

EXHIBIT 1

Maria Mahmood

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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

- - -

MARIA MAHMOOD,	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
NATIONAL BOARD OF MEDICAL	:	
EXAMINERS,	:	
Defendant.	:	2:12-CV-01544-TR

- - -

Monday, November 19, 2012

- - -

Oral deposition of MARIA MAHMOOD held at
the offices of Hamburg & Golden, P.C., 1601 Market
Street, Suite 3310, Philadelphia, Pennsylvania,
19103, on the above date, beginning at 12:15 p.m.,
before Lisa DePascale, a Registered Reporter and
Notary Public.

- - -

GOLKOW TECHNOLOGIES, INC.
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deps@golkow.com

Maria Mahmood

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1	APPEARANCES:	1	(It is hereby stipulated and agreed by
2		2	and among counsel for the respective parties that
3	THE LAW OFFICE OF WILLIAM C. REIL	3	signing, sealing, certification, and filing are
4	BY: WILLIAM C. REIL, ESQUIRE	4	waived; and that all objections, except as to the form
5	42. S. 15th Street	5	of the question, are reserved until the time of
6	Suite 210	6	trial.)
7	Philadelphia, Pennsylvania 19102	7	- - -
8	215.564.1635	8	MARIA MAHMOOD, after having been first
9	Counsel for Plaintiff	9	duly sworn, was examined and testified as follows:
10		10	- - -
11	HAMBURG & GOLDEN, P.C.	11	EXAMINATION
12	BY: MICHAEL E. SACKS, ESQUIRE	12	- - -
13	1601 Market Street	13	BY MR. SACKS:
14	Suite 3310	14	Q. Miss Mahmood, my name is Michael Sacks. I
15	Philadelphia, Pennsylvania 19103-1443	15	introduced myself a few minutes ago. I'm one of the
16	215.255.8596	16	attorneys representing the National Board of Medical
17	sacksme@hamburg-golden.com	17	Examiners in the case that you've brought against the
18	Counsel for Defendant	18	National Board in the federal court in Philadelphia.
19		19	I'm going to be asking you questions
20	NATIONAL BOARD OF MEDICAL EXAMINERS	20	today. And your attorney also will have a chance to
21	BY: SUZANNE WILLIAMS, ESQUIRE	21	ask you questions. And so first, I just want to go
22	3750 Market Street	22	over some ground rules. Okay?
23	Philadelphia, Pennsylvania 19104	23	A. Okay.
24	215.590.9538	24	Q. You're under oath. You understand that?
	swilliams@nbme.org		
	In house Counsel for Defendant, National Board of		
	Medical Examiners (NBME)		
	ALSO PRESENT: Naveeda Mahmood		
Page 3		Page 5	
1	INDEX	1	A. Mm-hmm.
2	WITNESS: PAGE NO.	2	Q. And if there is anything that you don't
3	MARIA MAHMOOD	3	understand, any questions of mine that you don't
4		4	understand, just ask me to rephrase it and I'll do
5	BY: MR. SACKS 4, 132	5	that. Okay?
6	MR. REIL 127	6	A. Okay.
7	---	7	Q. And if need you need to take a break, let me
8	EXHIBITS	8	know, and we'll take a break. Okay?
9	NUMBER DESCRIPTION PAGE NO.	9	A. Okay.
10	Mahmood 1 UIC Transcript, 3 pages 38	10	Q. It's not an endurance test.
11	Mahmood 2 USMLE Applicant's Request for Test	11	A. Mm-hmm.
12	Accommodations, 4 pages 40	12	Q. Are you taking any medications today that would
13	Mahmood 3 NBME Confirmation of Test	13	influence or impair your ability to understand and
14	Accommodations letter dated	14	respond to questions under oath?
15	June 6, 2007, 2 pages 42	15	A. No.
16	Mahmood 4 USMLE Form for Requesting	16	Q. Have you ever given a deposition before?
17	Subsequent Test Accommodations,	17	A. No.
18	1 page 45	18	Q. Have you ever given testimony under oath
19	Mahmood 5 NBME Confirmation of Test	19	before?
20	Accommodations letter dated	20	A. No.
21	May 6, 2008, 2 pages 46	21	Q. In connection with the criminal case that was
22	Mahmood 6 USMLE Form for Requesting	22	related to the fire setting incident, did you at any
23	Subsequent Test Accommodations	23	time give any testimony before a judge?
24	1 page 51	24	A. Not that I know of.
	Mahmood 7 NBME letter dated May 5, 2011		
	1 page 52		
	Mahmood 8 NBME Confirmation of Test		
	Accommodations letter dated		
	May 16, 2011, 2 pages 53		
	Mahmood 9 Prometric report dated		
	August 16, 2011, 4 pages 91		
	Mahmood 10 Police Report, 3 pages 95		
	Mahmood 11 Letter dated January 22, 2012,		

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<p>1 Q. Okay. Could you give your full name for the 2 record, please. 3 A. It's Maria Mahmood. 4 Q. And what is your home address? 5 A. 14717 Exbury Lane, Laurel, Maryland. 6 Q. And who do you live with there? 7 A. My father, my mother, and my brother. 8 MR. REIL: Can we go off the record for 9 a minute, Michael? 10 (Discussion was held off the record.) 11 MR. SACKS: This is Susan Williams who 12 is an attorney and a representative of the National 13 Board of Medical Examiners. 14 MR. REIL: Fine. Thank you. Excuse my 15 interruption. 16 MR. SACKS: No problem. 17 BY MR. SACKS: 18 Q. And how long have you lived at that address? 19 A. I would say approximately a decade, ten years. 20 Q. Okay. Who owns the house? 21 A. My parents. 22 Q. And do you know if the house is mortgaged? Do 23 you know if your parents own it outright? 24 A. I do believe we have a mortgage.</p>	<p>1 A. Yes. 2 Q. And your brother, does he work outside the 3 home? 4 A. He does not. 5 Q. Okay. Is he employed at all? 6 A. No. 7 Q. Is he in school? 8 A. He is not currently in school. He is looking. 9 He is between jobs. 10 Q. Okay. When did you come to this country? 11 A. In 2000. 12 Q. And did you come with your family that you've 13 already mentioned? 14 A. Yes. 15 Q. And what country did you come from? 16 A. Pakistan. 17 Q. Are what is your citizenship? 18 A. Pakistan. 19 Q. What is your immigration status in the United 20 States? 21 A. I am a permanent resident. 22 Q. Are you employed now? 23 A. Not at the moment. 24 Q. When have you been employed? What was the last</p>
Page 7	Page 9
<p>1 Q. Okay. And your father is Anwar Mahmood; is 2 that right? 3 A. Yes. 4 Q. And where does -- does he work? 5 A. He does work, yes. 6 Q. And where does he work? For whom? 7 A. He works for the Government of DC -- of 8 Washington, DC in the office of disability 9 accommodations, something to that effect. He 10 essentially -- he's an architect. So he inspects 11 buildings to make sure that they are compliant with 12 ADA accommodations -- ADA -- with the ADA law. 13 Q. Okay. 14 A. The way I understand it. 15 Q. Okay. And how long has he worked there, give 16 or take? 17 A. It's been, I think, at least three to four 18 years. I'm not sure of the exact length of time. 19 Q. And your mother, does your mother work outside 20 the home? 21 A. Yes. 22 Q. And what does she do? 23 A. She is a DNA technologist, an analyst. 24 Q. And that's full-time employment also?</p>	<p>1 job that you had? 2 A. The last job I had was over the summer at -- I 3 was an administrative assistant in my mother's 4 company -- the company that my mother works at. 5 Q. And that was the summer of 2012? 6 A. No. That was quite a few years ago. That 7 was 2005 or '06 approximately. 8 Q. So since 2005 or '06, you have not been 9 employed? 10 A. No. 11 MR. REIL: Let's go off the record for 12 a minute. 13 (Discussion was held off the record.) 14 MR. REIL: The usual stipulations will 15 apply to this deposition. 16 MR. SACKS: What is your understanding 17 of that? 18 MR. REIL: That basically objections, 19 except to the form of the question, are going to be 20 reserved to trial. And we're waiving signing, sealing 21 and certifying the deposition. 22 MR. SACKS: So you're waiving read and 23 sign? 24 MR. REIL: Yes.</p>

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Maria Mahmood

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<p>1 MR. SACKS: Okay. That's acceptable.</p> <p>2 BY MR. SACKS:</p> <p>3 Q. So do you have student loans?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And did you take out student loans to go</p> <p>6 to college?</p> <p>7 A. Yes.</p> <p>8 Q. And are those still outstanding?</p> <p>9 A. I believe a small fraction of them are, but --</p> <p>10 well, the majority of my loans are associated with</p> <p>11 medical school.</p> <p>12 Q. And what is the -- where did you get the loans?</p> <p>13 Was it through a bank or a government program?</p> <p>14 A. It was -- I believe most of them are through</p> <p>15 government programs.</p> <p>16 Q. Okay. And what is -- is there a popular name</p> <p>17 for that program? Is there a general term for that,</p> <p>18 like Pell Grant or something of that nature?</p> <p>19 A. There is direct loans, subsidized and</p> <p>20 unsubsidized. I believe there is a GradPLUS loan, I</p> <p>21 think, yes, there is. That has a large number</p> <p>22 associated with it. And those are the two that I</p> <p>23 specifically remember.</p> <p>24 Q. Okay. And the second one that you just</p>	<p>1 A. No.</p> <p>2 Q. Or your parents?</p> <p>3 A. No.</p> <p>4 Q. I want to ask you some questions about your</p> <p>5 education.</p> <p>6 A. Okay.</p> <p>7 Q. Where did you go to -- first of all, what is</p> <p>8 your date of birth?</p> <p>9 A. August 15, 1979.</p> <p>10 Q. And that makes you 33 today?</p> <p>11 A. Yes.</p> <p>12 Q. And how old were you when you came to this</p> <p>13 country, roughly?</p> <p>14 A. I'm just doing the math in my head -- 21. It</p> <p>15 was in 2000 so.</p> <p>16 Q. Okay. So did you attend high school in</p> <p>17 Pakistan?</p> <p>18 A. Mm-hmm.</p> <p>19 Q. And what is the name of that school? Where did</p> <p>20 you go?</p> <p>21 A. High school in Pakistan is complicated because</p> <p>22 the educational system there is more British oriented</p> <p>23 versus here. So I did grades 1 through 11, for the</p> <p>24 most part, at the Convent of Jesus and Mary in Lahore,</p>
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<p>1 mentioned, could you be a little more specific about</p> <p>2 that -- to whom you owe that money?</p> <p>3 A. Honestly, I've allowed my parents to handle</p> <p>4 that because they are employed. They pay for it. So</p> <p>5 it's better if they have access to that information</p> <p>6 more than I do so.</p> <p>7 Q. Okay. How much is the total amount that you</p> <p>8 have borrowed to go to medical school?</p> <p>9 MR. REIL: Approximately.</p> <p>10 THE WITNESS: Like from -- do you mean</p> <p>11 from beginning to the end or how much do I owe now?</p> <p>12 BY MR. SACKS:</p> <p>13 Q. Well, how about both, that's a good question?</p> <p>14 A. So I believe the total amount that I owed for</p> <p>15 medical school approached about 400,000. And the</p> <p>16 current amount is about 250,000. I'm saying this to</p> <p>17 the best of my knowledge.</p> <p>18 Q. Everything is to the best of your knowledge,</p> <p>19 sure.</p> <p>20 A. Yes.</p> <p>21 Q. So your parents have been -- do your parents</p> <p>22 pay back the loans on a monthly basis?</p> <p>23 A. Yes.</p> <p>24 Q. Have you ever declared bankruptcy?</p>	<p>1 Pakistan. Lahore is the city, L-A-H-O-R-E. And then</p> <p>2 I went through -- I went and gave my A level or</p> <p>3 advanced level courses through the University of</p> <p>4 Cambridge, which brings me -- which essentially</p> <p>5 provides me with two years of college level</p> <p>6 experience -- college level courses.</p> <p>7 Q. And did you do that in Cambridge in the UK?</p> <p>8 A. No. Through the British Embassy in Pakistan.</p> <p>9 Q. So where did you actually attend?</p> <p>10 A. So it's similar to just, you know, sitting for</p> <p>11 the exams for those. I did the coursework in Pakistan</p> <p>12 at -- like it was an institute called the Keynesian</p> <p>13 Institute of Management and Sciences.</p> <p>14 Q. Keynesian?</p> <p>15 A. Yes. Keynesian.</p> <p>16 Q. K-E-Y-N-E-S?</p> <p>17 A. Yes, I-A-N, I believe.</p> <p>18 Q. Okay. So you took courses and then tested?</p> <p>19 A. Yes.</p> <p>20 Q. And you passed what is equivalent to two years</p> <p>21 of college that way?</p> <p>22 A. Yes.</p> <p>23 Q. And is that the extent of the education in</p> <p>24 Pakistan?</p>

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<p>1 A. Yes.</p> <p>2 Q. Okay. When you came to the U.S., did you attend</p> <p>3 college?</p> <p>4 A. Yes.</p> <p>5 Q. And where did you go?</p> <p>6 A. University of Maryland.</p> <p>7 Q. What did you study there?</p> <p>8 A. Microbiology.</p> <p>9 Q. Did you enter as a junior?</p> <p>10 A. I am not entirely sure about my specific</p> <p>11 status. I know that I did have advanced credit.</p> <p>12 Q. So you got credit for the education or the</p> <p>13 college level that you had in Pakistan?</p> <p>14 A. Mm-hmm.</p> <p>15 Q. Okay. What years did you attend University of</p> <p>16 Maryland?</p> <p>17 A. 2000 to I believe it was 2003.</p> <p>18 Q. And did you attain a degree there?</p> <p>19 A. Yes.</p> <p>20 Q. What degree?</p> <p>21 A. Bachelor of Science in Microbiology.</p> <p>22 Q. And that was in 2003?</p> <p>23 A. Yes.</p> <p>24 Q. What was your grade point average at the</p>	<p>1 I had off. And then fall of 2004, I began medical</p> <p>2 school.</p> <p>3 Q. Okay. During the time that you were at the</p> <p>4 University of Maryland, did you ever file any claims</p> <p>5 against the University of Maryland?</p> <p>6 A. No.</p> <p>7 Q. Any complaints of any kind?</p> <p>8 A. No.</p> <p>9 Q. Did you file any grievances?</p> <p>10 A. No.</p> <p>11 Q. Any lawsuits?</p> <p>12 A. No.</p> <p>13 Q. Were you ever placed on probation?</p> <p>14 A. No.</p> <p>15 Q. Okay. What are the medical schools that you</p> <p>16 applied to?</p> <p>17 A. I applied to quite a large number of medical</p> <p>18 schools. They were mostly on the East Coast,</p> <p>19 geographically. And I believe the farthest was in the</p> <p>20 Chicago area.</p> <p>21 Q. Okay. So let me ask you again. What medical</p> <p>22 schools did you apply to on the East Coast then?</p> <p>23 A. I don't -- there were -- the list was quite</p> <p>24 long, more than 30. I don't remember exactly the</p>
Page 15	Page 17
<p>1 University of Maryland?</p> <p>2 A. I believe it was a 3.5.</p> <p>3 Q. Okay. Were you ever disciplined in any way at</p> <p>4 the University of Maryland?</p> <p>5 A. No.</p> <p>6 Q. Did you receive any honors at the University of</p> <p>7 Maryland or awards?</p> <p>8 A. I may have been on the Dean's List once or</p> <p>9 twice. I don't recall any specific awards.</p> <p>10 Q. When did you apply to medical school?</p> <p>11 A. It was 2002, the end of 2002.</p> <p>12 Q. So while you were still in college?</p> <p>13 A. Yes.</p> <p>14 Q. And did you apply to go directly from college</p> <p>15 to medical school?</p> <p>16 A. No, I took a year off.</p> <p>17 Q. Intentionally or by choice?</p> <p>18 A. By choice.</p> <p>19 Q. And what year was that that you took off?</p> <p>20 A. Between 2003 and fall of 2004.</p> <p>21 Q. So what would be the academic year -- 2003-2004</p> <p>22 academic year?</p> <p>23 A. I think it was 2003. It was about one</p> <p>24 semester. It was a spring semester and a summer that</p>	<p>1 names anymore. It was quite a while ago.</p> <p>2 Q. Okay. Why don't you try to remember as many as</p> <p>3 you can.</p> <p>4 A. The University of Maryland, obviously,</p> <p>5 University of Virginia, University of West Virginia,</p> <p>6 Howard University, even Harvard University, Johns</p> <p>7 Hopkins University, Boston University, University of</p> <p>8 North Carolina. There were a couple in North Carolina</p> <p>9 and I think one in South Carolina. There was Wayne</p> <p>10 State University, there was Wake Forest, Northwestern</p> <p>11 University. That is all I can remember at the moment.</p> <p>12 Q. Any others in New England?</p> <p>13 A. I don't believe I applied to Brown. I don't</p> <p>14 think so.</p> <p>15 Q. Connecticut, Maine, New Hampshire?</p> <p>16 A. I don't remember if I -- I was considering</p> <p>17 Yale's medical school and there was another university</p> <p>18 there as well that I was considering applying to, but</p> <p>19 I decided to not apply to the larger ivy league higher</p> <p>20 up names to limit myself to the lower ones where I</p> <p>21 thought I had a chance.</p> <p>22 Q. Okay. How about in the south? Any of the</p> <p>23 southern states, Florida, Georgia any of those?</p> <p>24 A. I don't believe so.</p>

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<p>1 Q. Okay. Of the medical schools that you 2 mentioned, which ones were you accepted in? 3 A. I had interviews at Wayne State and West 4 Virginia as well as University of Illinois and there 5 was one other. It was in Virginia. 6 Q. Did you apply to any schools -- I'm sorry. Had 7 you finished? 8 A. Yeah. I honestly don't remember which ones. 9 Those were the -- the ones that I mentioned that I had 10 interviews at, those were the places that were 11 considering given me admission. 12 Q. Okay. Did you apply to any of the medical 13 schools in the Caribbean? 14 A. No. 15 Q. You did not apply? 16 A. No. 17 Q. And were you accepted at any other medical 18 school other than the University of Illinois in 19 Chicago? 20 A. The University of Illinois in Chicago was the 21 first to accept me, and I particularly liked their 22 program because it was an intercity university and by 23 about -- I received the acceptance letter in December. 24 And I was happy with it, so I took it.</p>	<p>1 Q. Why? 2 A. Medical reasons. 3 Q. What medical reasons? 4 A. Are they pertinent to this deposition? 5 MR. REIL: You have to answer that. 6 THE WITNESS: Okay. I was beginning to 7 feel depressed. 8 BY MR. SACKS: 9 Q. Okay. What part of the year did you take off 10 from school? 11 A. I don't recall. I honestly don't recall. 12 Q. Did you arrange through school to take a leave 13 of absence? 14 A. I don't think it was -- it wasn't 15 administrative. It was during the first year, I had a 16 lot of difficulties with some of the laboratory exam 17 -- laboratory classes because of my visual impairment, 18 and the school hadn't provided me, you know, with full 19 accommodations. I had double time on exams but not on 20 the laboratory portions of courses. And competing 21 with the other students I felt that I was falling 22 farther and farther behind because of it. It actually 23 caused me to take remedial courses during the summer. 24 I did not actually pass one of the final remedial</p>
Page 19	Page 21
<p>1 Q. So at Wayne State and at West Virginia, were 2 you refused? Were you denied or did you withdraw your 3 application? 4 A. I believe I withdrew my application at that 5 point. Once you accept -- once you commit to 6 accepting one university, your application is 7 automatically withdrawn from the others. 8 Q. Okay. So you enrolled at medical school in the 9 autumn of 2004; is that right? 10 A. Yes. 11 Q. And you attended during which years? 12 A. 2004 to two thousand -- technically, I guess 13 it was 2010 or '11 -- '11. 14 Q. Let me break that down a little bit. During 15 the 2004-2005 academic year -- 16 A. Mm-hmm. 17 Q. -- did you attend for that full academic year? 18 A. Yes. 19 Q. And during the 2005-06 academic year, did you 20 attend for that entire year? 21 A. Not fully. 22 Q. And what happened during that year? 23 A. I had to -- I took some -- I took a leave of 24 absence, I think.</p>	<p>1 course that was required for the first year. And I 2 was forced to retake that during the 2005 and '06 3 academic year. 4 Q. What course was that? 5 A. I believe it was -- it was either histology or 6 physiology. I don't recall. 7 Q. So either in histology or physiology you failed 8 in the first year? 9 A. Mm-hmm. 10 Q. Was that a full-year course or a one semester 11 course? 12 A. I believe it was a one semester course. 13 Q. Okay. And so you took a makeup course in the 14 summer, and you did not pass that either; is that 15 correct? 16 A. Yes. 17 Q. And what was the policy of the school at that 18 point? What were your options? 19 A. To redo that course or redo the entire year 20 over again. 21 Q. Okay. So after you had not passed it in the 22 summertime, you had the option of redoing it again? 23 A. Mm-hmm. 24 Q. And did you enroll in it in the second year?</p>

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<p>1 A. Yes.</p> <p>2 Q. And did you pass it?</p> <p>3 A. Yes.</p> <p>4 Q. So in a sense you passed it on the third try?</p> <p>5 A. Mm-hmm.</p> <p>6 Q. So when did your medical leave of absence take place?</p> <p>7</p> <p>8 A. Well, considering that that was the only course that I was allowed to take during 2005 to '06 so....</p> <p>9</p> <p>10 Q. So at that point you were only permitted to take the one course?</p> <p>11</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And you took it, and you passed it, and that's right?</p> <p>14</p> <p>15 A. Yes.</p> <p>16 Q. And was that in the fall of that 2005-2006 academic year?</p> <p>17</p> <p>18 A. Think so.</p> <p>19 Q. Okay. And was your medical leave of absence after that?</p> <p>20</p> <p>21 A. I mean, the course was an extended course. I was there for the lab portions. And I -- you know, for lecture courses, a lot of the times when, you know, when I didn't need to be there, when I knew the</p>	<p>1 You didn't see a psychiatrist. You didn't see a psychologist or any kind of therapist?</p> <p>2</p> <p>3 A. Not during that time.</p> <p>4 Q. During that time you did not?</p> <p>5 A. I did not.</p> <p>6 Q. Did you consult with a medical doctor, for example, for some kind of antidepressant drugs?</p> <p>7</p> <p>8 A. Not during that time.</p> <p>9 Q. What were you doing to get better?</p> <p>10 A. Spending time with family.</p> <p>11 Q. Okay. When did you go back to school?</p> <p>12 A. The following year, which was a full year.</p> <p>13 Q. So that would be the 2006-2007 academic year?</p> <p>14 A. Mm-hmm.</p> <p>15 Q. And did you complete a full year that year?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And did you pass all your courses that year?</p> <p>18</p> <p>19 A. Yes.</p> <p>20 Q. At that point you had completed two years of medical school?</p> <p>21</p> <p>22 A. Yes.</p> <p>23 Q. And in that first two years of medical school, did you only fail the one class that you'd already</p>
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<p>1 course material, I would go back home and spend a month home and then come back for the exams or specific lectures that I wanted to attend.</p> <p>2</p> <p>3 So it was -- it's -- medical school</p> <p>4</p> <p>5 isn't, you know, they don't really, you know, put courses in semester systems. It's like the entire year -- a course may be heavy in the first part and then a little lighter and then a little heavier and then a little lighter so, it's complicated.</p> <p>6</p> <p>7 Q. So I'm trying to get a better fix on the medical leave of absence. Was that during that second year?</p> <p>8</p> <p>9 A. Yes.</p> <p>10</p> <p>11 Q. And were you hospitalized?</p> <p>12</p> <p>13 A. No.</p> <p>14 Q. Did you see a psychiatrist?</p> <p>15</p> <p>16 A. No.</p> <p>17 Q. Did you see any kind of therapist?</p> <p>18</p> <p>19 A. Not during that -- not during that year.</p> <p>20 Q. Were you at home in Maryland for that period of time that you would call your medical leave of absence?</p> <p>21</p> <p>22 A. Yes.</p> <p>23</p> <p>24 Q. I may have asked this, but I want to be clear.</p>	<p>1 mentioned?</p> <p>2 A. Yes.</p> <p>3 Q. And all the others you did well enough to move ahead?</p> <p>4</p> <p>5 A. Yes.</p> <p>6 Q. Did you get letter grades in medical school?</p> <p>7 A. No.</p> <p>8 Q. How did they grade?</p> <p>9 A. It's based on a pass/fail system. They set -- they consider the -- they consider the past years -- past class performance on a specific exam. They -- it's like a statistical analysis where they take, say, about the majority of the class passed. They consider that to be a passing point. So say about you need 52 points out of 100 to get a passing grade. And then the -- beyond that if you get say about -- about like 95, 95 points out of a 100, that's a high honors.</p> <p>10</p> <p>11 Q. So there is high honors --</p> <p>12</p> <p>13 A. There is pass, and then there is fail.</p> <p>14 Q. So it's high honors, pass or fail?</p> <p>15</p> <p>16 A. Yes.</p> <p>17 Q. That's the system?</p> <p>18</p> <p>19 A. Yes.</p> <p>20 Q. And did you achieve all passing grades during</p>

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<p>1 that year?</p> <p>2 A. Yes.</p> <p>3 Q. How about during the third year -- or the year</p> <p>4 that -- the academic year 2007 to 2008. What happened</p> <p>5 during that year?</p> <p>6 A. I began the clinical rotations -- clinical</p> <p>7 clerkships portion of medical school.</p> <p>8 Q. Okay. And did you complete the usual number of</p> <p>9 clerkships during that academic year?</p> <p>10 A. So again, for medical school -- for</p> <p>11 specifically the clinical rotations, each rotation --</p> <p>12 there are a handful of rotations that are called core</p> <p>13 rotations, which are required of every student. These</p> <p>14 are surgery, internal medicine, obstetrics/gynecology,</p> <p>15 family medicine, psychiatry, and there is a sixth --</p> <p>16 I'm blanking on the name.</p> <p>17 Q. Okay. Pediatrics?</p> <p>18 A. Yes. Pediatrics. Pediatrics. Each of these</p> <p>19 core rotations have different time spans, so surgery</p> <p>20 is eight weeks. OB/GYN is 6 weeks, I believe.</p> <p>21 Internal medicine is 12 weeks. There are different</p> <p>22 time lengths.</p> <p>23 Q. Okay.</p> <p>24 A. And depending on which site we prefer -- and</p>	<p>1 what I consider to be the subject matter of the</p> <p>2 court's order for the deposition.</p> <p>3 MR. SACKS: But my understanding, Bill,</p> <p>4 is that -- I mean, this is our chance to take a</p> <p>5 deposition. There are limited issues left in the</p> <p>6 case. However, if we file a motion for summary</p> <p>7 judgment and we don't prevail on a motion for summary</p> <p>8 judgment, presumably there would be a trial. And this</p> <p>9 is our chance to take a deposition. So that obviously</p> <p>10 discovery is a little bit wider than -- the scope of</p> <p>11 discovery is wider than the limited scope of the</p> <p>12 judge's order so that's the purpose.</p> <p>13 MR. REIL: Well, my position is that</p> <p>14 the scope of discovery is not wider than, you know,</p> <p>15 than what's in the court's order. We differ on that.</p> <p>16 MR. SACKS: Okay.</p> <p>17 BY MR. SACKS:</p> <p>18 Q. So Ms. Mahmood, I had asked you ordinarily do</p> <p>19 students complete those six core rotations in the</p> <p>20 third year?</p> <p>21 A. Not necessarily.</p> <p>22 Q. Not necessarily. Okay. And in the third</p> <p>23 year -- in the year 2007 to 2008, did you complete a</p> <p>24 series of rotations?</p>
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<p>1 then we put that into a lottery and then, you know,</p> <p>2 it's randomly -- you know, we get assigned according</p> <p>3 to our preferences compared to what's available by the</p> <p>4 time our number is called.</p> <p>5 Q. Okay. So do --</p> <p>6 A. My --</p> <p>7 Q. Go ahead.</p> <p>8 A. So my point is that there you may have -- you</p> <p>9 may begin a rotation but then you may have a small</p> <p>10 amount of time where you have nothing to do or you</p> <p>11 have other rotations assigned, if you fulfill the</p> <p>12 requirements for other rotations -- the elective</p> <p>13 rotations, so it's not....</p> <p>14 Q. Are students at your medical school required to</p> <p>15 do those six core rotations during the third year?</p> <p>16 MR. REIL: Let me interpose a</p> <p>17 continuing objection. My understanding is that the</p> <p>18 judge's order is supposed to limit this deposition to</p> <p>19 the events of August 8, 2011, and we've yet to talk</p> <p>20 about them. So my understanding is that this is</p> <p>21 supposed to be a limited deposition, limited to that</p> <p>22 particular day, and I'm going to ask for continuing</p> <p>23 objection. Of course, I'm not going to instruct her</p> <p>24 not the answer, but I know that we've yet to get to</p>	<p>1 A. Yes.</p> <p>2 Q. And were there any rotations that you did not</p> <p>3 pass?</p> <p>4 A. I passed the clinical portions of -- I don't</p> <p>5 recall exactly which ones -- which rotations I</p> <p>6 proceeded with at what time. I don't remember my</p> <p>7 schedule anymore so....</p> <p>8 Q. Did you attend clinical rotations throughout</p> <p>9 the academic year of 2007-2008?</p> <p>10 A. I took a medical leave of absence during that</p> <p>11 time -- during sometime that year for approximately</p> <p>12 three months. And this was -- it's in the</p> <p>13 administrative record.</p> <p>14 Q. Okay. And was that medical leave of absence</p> <p>15 also related to depression?</p> <p>16 A. Yes.</p> <p>17 Q. And did you return to the university during</p> <p>18 the 2008-2009 academic year?</p> <p>19 A. Yes.</p> <p>20 Q. And did you attend rotations during that year?</p> <p>21 A. Yes.</p> <p>22 Q. Did you have any leaves of absence during that</p> <p>23 year?</p> <p>24 A. Yes.</p>

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<p>1 Q. Again, a medical leave of absence for</p> <p>2 depression?</p> <p>3 A. Yes.</p> <p>4 Q. During the 2009-2010 year, did you attend the</p> <p>5 university?</p> <p>6 A. I don't recall exactly, but I believe during</p> <p>7 the beginning of that year, I did. And it was one of</p> <p>8 my last elective requirements.</p> <p>9 Q. Okay. Did you complete all your course and</p> <p>10 elective requirements at the University of Chicago,</p> <p>11 Illinois -- University of Illinois in Chicago while in</p> <p>12 Chicago? Did you complete all of your electives and</p> <p>13 coursework in Chicago?</p> <p>14 A. Yes.</p> <p>15 Q. And have you completed all of the academic</p> <p>16 requirements for medical school?</p> <p>17 A. Yes.</p> <p>18 Q. And when did you complete that?</p> <p>19 A. I don't recall the exact date, honestly.</p> <p>20 Q. Well, if right now we're in late 2012, and the</p> <p>21 events that we are here today to talk about occurred</p> <p>22 in August of 2011 --</p> <p>23 A. Mm-hmm.</p> <p>24 Q. -- using those dates as a frame of reference,</p>	<p>1 of those?</p> <p>2 A. Yeah, I think so, yeah.</p> <p>3 MR. REIL: We don't want you to guess.</p> <p>4 Do you know so?</p> <p>5 THE WITNESS: I'm not a hundred percent</p> <p>6 sure.</p> <p>7 BY MR. SACKS:</p> <p>8 Q. What is your current status at the University</p> <p>9 of Chicago -- the University of Illinois in Chicago</p> <p>10 medical school?</p> <p>11 A. I am not currently a student at the university.</p> <p>12 Q. Could you be a little bit more specific? I</p> <p>13 understand that you're not currently enrolled. Has</p> <p>14 there been any determination by the school as to your</p> <p>15 status?</p> <p>16 A. Yes. So I went because of -- because of the</p> <p>17 NBME's three-year ban with respect to irregular</p> <p>18 behavior, I am no longer within the seven-year time</p> <p>19 span. I would have far -- I would have gone far</p> <p>20 beyond the seven-year time span. Therefore, I was</p> <p>21 actually given a dismissal for that reason.</p> <p>22 Q. And when was that?</p> <p>23 A. There were quite a few committee meetings, and</p> <p>24 I went through the appeals process as well. And I</p>
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<p>1 can you tell me when the last time was that you were</p> <p>2 attending courses or electives in Chicago?</p> <p>3 A. I believe it was 2010, late 2010. I'm not</p> <p>4 entirely sure.</p> <p>5 Q. Now, when you finished all those requirements</p> <p>6 at the university, what else did you have to do to get</p> <p>7 your degree?</p> <p>8 A. Take -- sit for, and pass the Step 2 CK and CS,</p> <p>9 clinical knowledge and clinical skills.</p> <p>10 Q. So does your school -- does the University of</p> <p>11 Illinois in Chicago require taking those exams and</p> <p>12 passing them?</p> <p>13 A. Yes.</p> <p>14 Q. And do they give you a certain amount of time</p> <p>15 to do that or a certain amount of -- certain number of</p> <p>16 attempts? How does that work?</p> <p>17 A. It's the total amount of time that a medical</p> <p>18 student has to finish all requirements for graduating</p> <p>19 medical school and getting a medical degree, an M.D.,</p> <p>20 is seven years, beginning to end, which includes</p> <p>21 medical leaves of absence and everything in between.</p> <p>22 The number of tries for Step 2 -- for the Step 2 exams</p> <p>23 is, I believe, three.</p> <p>24 Q. You're allowed to try three times on each one</p>	<p>1 believe the final decision was sent in August of this</p> <p>2 year.</p> <p>3 Q. Did you appeal as far as you could? Did you</p> <p>4 take it as far as you could in terms of appeals?</p> <p>5 A. Yes.</p> <p>6 Q. And there was a final determination from the</p> <p>7 medical school that you were dismissed?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know what your class rank was in the</p> <p>10 medical school?</p> <p>11 A. No.</p> <p>12 Q. Is there such a thing?</p> <p>13 A. I believe there is but --</p> <p>14 Q. You have no idea?</p> <p>15 A. -- I don't know.</p> <p>16 Q. Over the course of all the years that you were</p> <p>17 there, did you repeat any courses other than the one</p> <p>18 you mentioned earlier, histology or physiology?</p> <p>19 A. No. Not any lecture courses.</p> <p>20 Q. You passed each one?</p> <p>21 A. Yes.</p> <p>22 Q. What is your intended practice area?</p> <p>23 A. I would like to go into internal medical, and</p> <p>24 perhaps, if I am lucky, I will be able to get a</p>

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<p>1 fellowship in critical care.</p> <p>2 Q. Were you ever placed on probation for academic</p> <p>3 reasons by your medical school?</p> <p>4 A. During that -- the one course that I had to</p> <p>5 repeat, that's considered academic probation.</p> <p>6 Q. Okay. And at any other time?</p> <p>7 A. Not that I know of.</p> <p>8 Q. Okay. Have you filed any kind of claims or</p> <p>9 lawsuits or grievances against the University of</p> <p>10 Illinois, Chicago Medical School?</p> <p>11 A. I have a grievance with them concerning -- yes.</p> <p>12 I guess so. I have a grievance.</p> <p>13 Q. And what is the grievance?</p> <p>14 A. I have a grievance concerning the final</p> <p>15 decision for -- of dismissal, which is ongoing.</p> <p>16 Q. And is that an internal process? In other</p> <p>17 words, is that something that you file within the</p> <p>18 medical school?</p> <p>19 A. Yes.</p> <p>20 Q. And are you represented by counsel in that?</p> <p>21 A. No.</p> <p>22 MRS. MAHMOOD: Yes.</p> <p>23 MR. REIL: You can't interpose.</p> <p>24 MR. SACKS: Excuse me.</p>	<p>1 answer, I'm not necessarily agreeing that that's</p> <p>2 pertinent to the grounds for this issue.</p> <p>3 MR. SACKS: I understand. That's fine.</p> <p>4 BY MR. SACKS:</p> <p>5 Q. Are you asserting within the University system</p> <p>6 that you've been discriminated against on the basis of</p> <p>7 a disability? What are the grounds -- what kind of</p> <p>8 discrimination are you talking about?</p> <p>9 A. I would have to consult the paperwork again.</p> <p>10 It's a slow process, and as I said before, I'm</p> <p>11 allowing my parents to handle the majority of the</p> <p>12 work.</p> <p>13 Q. Do you know if you filed any kind of case in</p> <p>14 any administrative agency outside of the school such</p> <p>15 as the Equal Employment Opportunity Commission or a</p> <p>16 Human Relations Commission or some such agency of a</p> <p>17 government?</p> <p>18 A. No.</p> <p>19 Q. No, you don't believe that that's been done?</p> <p>20 A. No.</p> <p>21 Q. During your time at medical school did you fail</p> <p>22 or have to repeat any laboratory courses?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And what were those?</p>
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<p>1 THE WITNESS: I'm not handling that</p> <p>2 directly. Therefore, in order to fully answer that</p> <p>3 question, I would have to ask my parents.</p> <p>4 BY MR. SACKS:</p> <p>5 Q. What is your understanding of the status of</p> <p>6 that grievance?</p> <p>7 A. It's ongoing.</p> <p>8 Q. Did you personally complete paperwork for that</p> <p>9 grievance?</p> <p>10 A. Yes.</p> <p>11 Q. Did you handwrite something to submit to the</p> <p>12 university or type something?</p> <p>13 A. I typed something up.</p> <p>14 Q. And what are the grounds for that grievance?</p> <p>15 A. That I believe -- well, is that pertinent to</p> <p>16 this deposition?</p> <p>17 Q. Yes, let's just say it is.</p> <p>18 MR. REIL: You have to answer that.</p> <p>19 THE WITNESS: I don't recall what was</p> <p>20 finally settled on, but I believe that it was</p> <p>21 something along the lines of being discriminated</p> <p>22 against.</p> <p>23 MR. REIL: I just want to make a</p> <p>24 statement for the record. In directing the witness to</p>	<p>1 A. The courses that I had to take remedial --</p> <p>2 summer remedial courses for were histology, and gross</p> <p>3 anatomy.</p> <p>4 Q. Just those two?</p> <p>5 A. Those two were laboratory courses, yes, I</p> <p>6 believe.</p> <p>7 Q. Other than the grievance that you just</p> <p>8 mentioned and this lawsuit against the National Board,</p> <p>9 have you ever been a party to any other lawsuit or</p> <p>10 administrative claim or grievance?</p> <p>11 A. No.</p> <p>12 Q. Okay. Let's take five minutes. Okay?</p> <p>13 A. Mm-hmm.</p> <p>14 (A short break was taken.)</p> <p>15 MR. REIL: I want to put a brief</p> <p>16 statement on the record. The court's order of</p> <p>17 October 31, 2012 says in Part 2: The parties shall</p> <p>18 have a limited 30-day period of discovery regarding</p> <p>19 the USMLE CK-2 incident. My understanding is that</p> <p>20 that occurred on August 8, 2011, and the deposition</p> <p>21 has been going on now for approximately an hour, and</p> <p>22 we've haven't dealt with the events of that day. And</p> <p>23 I would move to strike any deposition testimony that</p> <p>24 doesn't conform to the court's order.</p>

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<p>1 MR. SACKS: Okay. That's fine. We can</p> <p>2 address that at a later time, if necessary.</p> <p>3 BY MR. SACKS:</p> <p>4 Q. Miss Mahmood, just to finish up what we've</p> <p>5 covered so far. What is the total amount of time out</p> <p>6 of the seven-year period that was spent on medical</p> <p>7 leave of absence? You mentioned three. Did we get --</p> <p>8 first of all, did we get all three? I mean, are those</p> <p>9 all of the medical leaves of absence that you took?</p> <p>10 A. I believe so.</p> <p>11 Q. Okay. And what's the total amount of time?</p> <p>12 What is the total amount of time that you were on</p> <p>13 medical leave of absence and unable to attend school</p> <p>14 or participate in clinical rotations?</p> <p>15 A. I believe the total amount was approximately</p> <p>16 nine months. I'm not entirely sure about that number</p> <p>17 but, I think that was....</p> <p>18 MR. REIL: Now wait for a question.</p> <p>19 BY MR. SACKS:</p> <p>20 Q. I want to show you an exhibit.</p> <p>21 MR. SACKS: Why don't we mark this as</p> <p>22 Number 1.</p> <p>23 ---</p> <p>24 (Exhibit Mahmood 1, UIC transcript, 3</p>	<p>1 Q. Okay.</p> <p>2 A. The first --</p> <p>3 Q. What was the first USMLE that you took?</p> <p>4 MR. REIL: Same objection.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: The first USMLE that I</p> <p>7 take is the same as what all other medical students</p> <p>8 take, which is the USMLE Step 1 exam.</p> <p>9 MR. SACKS: Let's mark this as Number</p> <p>10 2.</p> <p>11 ---</p> <p>12 (Exhibit Mahmood 2, USMLE Applicant's</p> <p>13 Request for Test Accommodations, 4 pages, was marked</p> <p>14 for identification.)</p> <p>15 ---</p> <p>16 BY MR. SACKS:</p> <p>17 Q. This is Number 2. Take a look at that, please.</p> <p>18 A. Okay.</p> <p>19 Q. Okay. Is this the form on which you requested</p> <p>20 accommodations for a disability from the USMLE for the</p> <p>21 first time?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And on the last page, it's dated</p> <p>24 March 15, 2007. And that's your signature?</p>
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<p>1 pages, was marked for identification.)</p> <p>2 ---</p> <p>3 BY MR. SACKS:</p> <p>4 Q. This is something that was attached to, I</p> <p>5 think, the amended complaint. I'm not a hundred</p> <p>6 percent sure if it was attached to one of your</p> <p>7 submissions.</p> <p>8 So here's a copy for you to take a look</p> <p>9 at. And this appears to be a transcript. There are</p> <p>10 three pages. The first two pages appear to be a</p> <p>11 transcript from the University of Illinois at Chicago</p> <p>12 College of Medicine. And I want to ask you if, to</p> <p>13 your knowledge, this is your complete transcript?</p> <p>14 Understanding that it's not an official transcript.</p> <p>15 A. Let me just go over it. I believe so. I</p> <p>16 believe this is an unofficial transcript.</p> <p>17 Q. Okay. And are the medical leaves of absence</p> <p>18 reflected on the transcript?</p> <p>19 A. Let me check. They aren't recorded as medical</p> <p>20 leaves of absence, no. There is no official record.</p> <p>21 Q. Okay. Now, am I correct that you have taken</p> <p>22 USMLE exams since 2007?</p> <p>23 A. I think so. Depending -- I'd have to check my</p> <p>24 records specifically, but I believe that's accurate.</p>	<p>1 A. Yes.</p> <p>2 Q. And there is a stamp that shows received on</p> <p>3 April 24, 2007. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And on the second page, if you can take a look</p> <p>6 at Number 10, you see the paragraph that's numbered</p> <p>7 10?</p> <p>8 A. Yes.</p> <p>9 Q. And am I correct that the accommodations you</p> <p>10 requested are double time and a paper exam and</p> <p>11 permission to bring your monocular into the testing</p> <p>12 room; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Let's take a look at the -- actually, let me</p> <p>15 ask you a question. Do you recall whether the first</p> <p>16 time you applied for or requested accommodations from</p> <p>17 the USMLE, you were required to provide additional</p> <p>18 information from your ophthalmologist?</p> <p>19 A. Yes.</p> <p>20 Q. Yes, you recall or yes, that's correct?</p> <p>21 A. The additional information, as the form</p> <p>22 suggests, is a requirement.</p> <p>23 Q. Okay.</p> <p>24 A. So I must provide it.</p>

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<p>1 Q. And so you did provide that?</p> <p>2 A. Yes.</p> <p>3 MR. SACKS: Let's mark this please.</p> <p>4 ---</p> <p>5 (Exhibit Mahmood 3, Confirmation of</p> <p>6 Test Accommodations letter dated June 6, 2007, 2 pages</p> <p>7 was marked for identification.)</p> <p>8 ---</p> <p>9 MR. REIL: This is Mahmood 3?</p> <p>10 MR. SACKS: Right.</p> <p>11 THE WITNESS: Okay.</p> <p>12 BY MR. SACKS:</p> <p>13 Q. Okay. Mahmood 3 appears to be a letter dated</p> <p>14 June 6, 2007 from the National Board of Medical</p> <p>15 Examiners, an individual there named Dr. Catherine</p> <p>16 Farmer, correct?</p> <p>17 A. Mm-hmm.</p> <p>18 Q. And is it your understanding that this was the</p> <p>19 document that was granting your request for</p> <p>20 accommodations?</p> <p>21 A. I believe so, but since I didn't, you know,</p> <p>22 this is not a document that I generated, so why would</p> <p>23 I need to.</p> <p>24 Q. Okay. Do you recall receiving this document?</p>	<p>1 A. My point is the center -- the place where I</p> <p>2 registered for the exam and had a seat for the exam</p> <p>3 for the Step 1, they did not have the LCD monitor with</p> <p>4 the zoom text.</p> <p>5 Q. Okay.</p> <p>6 A. So I had to rewrite -- re -- I guess reregister</p> <p>7 for another seat for -- in another center.</p> <p>8 Q. Okay. And did you pass the Step 1 exam?</p> <p>9 A. Yes.</p> <p>10 MR. REIL: I want to put a objection on</p> <p>11 the record. I remember receiving Mahmood 1, the</p> <p>12 transcript. As a matter of fact, I think I supplied</p> <p>13 that. That was my exhibit. I may be mistaken, these</p> <p>14 may have been attached to a motion, but I don't</p> <p>15 recognize Mahmood 2 and 3.</p> <p>16 MR. SACKS: I'm not sure that if they</p> <p>17 were attached to a motion or not, and there hasn't</p> <p>18 been -- ever been a request for these. So here they</p> <p>19 are.</p> <p>20 MR. REIL: Well, I think there are</p> <p>21 mandatory disclosures under the federal rules. And on</p> <p>22 that basis and on the previous basis that they don't</p> <p>23 deal with the date in question, I'm going to object to</p> <p>24 them.</p>
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<p>1 A. It was a long time ago, no, I do not.</p> <p>2 Q. Do you recall that the National Board of</p> <p>3 Medical Examiners granted your request for</p> <p>4 accommodations for the Step 1 exam?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And what is indicated here -- and I want</p> <p>7 to ask you if you agree that you got those</p> <p>8 accommodations? What's indicated here is that they</p> <p>9 agreed -- that the NBME agreed that you could have</p> <p>10 double time.</p> <p>11 A. Yes.</p> <p>12 Q. Is that correct? And to use your monocular,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. Ask to use an LCD monitor with zoom text; is</p> <p>16 that right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And are those the accommodations that</p> <p>19 you received and used for the Step 1 exam?</p> <p>20 A. Not the first time that I attempted the exam.</p> <p>21 Q. Okay. What is different? What did you use for</p> <p>22 accommodations the first time you did the Step 1 exam?</p> <p>23 A. These particular accommodations.</p> <p>24 Q. Okay. I'm not understanding your point then.</p>	<p>1 MR. SACKS: Okay.</p> <p>2 BY MR. SACKS:</p> <p>3 Q. Ms. Mahmood, after the Step 1 exam, is it fair</p> <p>4 to say that you requested the same accommodations on</p> <p>5 future exams?</p> <p>6 A. Yes.</p> <p>7 Q. For the CK type exam?</p> <p>8 A. Yes.</p> <p>9 Q. As opposed to the skills exam, where you're</p> <p>10 examining someone?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And am I correct that there is a form</p> <p>13 that you would fill out to -- that is called</p> <p>14 Requesting Subsequent Test Accommodations, which</p> <p>15 indicates that you've received certain accommodations</p> <p>16 and you want the same accommodations next time?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 MR. SACKS: Why don't we mark these as</p> <p>20 Mahmood 4.</p> <p>21 ---</p> <p>22 (Exhibit Mahmood 4, USMLE Form for</p> <p>23 Requesting Subsequent Test Accommodations, 1 page, was</p> <p>24 marked for identification.)</p>

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<p>1 ---</p> <p>2 MR. REIL: Again, I request a</p> <p>3 continuing objection.</p> <p>4 MR. SACKS: Okay.</p> <p>5 BY MR. SACKS:</p> <p>6 Q. Is Mahmood 4 -- I'm sorry, Miss Mahmood. I</p> <p>7 thought you were finished.</p> <p>8 A. Okay.</p> <p>9 Q. Is Mahmood 4 an example of that type of form by</p> <p>10 which you would request the same accommodations?</p> <p>11 A. Yes. To the best of my knowledge, I think it</p> <p>12 is.</p> <p>13 Q. And Mahmood Number 4 is dated by you April 4,</p> <p>14 2008?</p> <p>15 A. Yes.</p> <p>16 Q. And it was for accommodations for Step 2 CK; is</p> <p>17 that right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 MR. SACKS: And let's mark this one.</p> <p>21 ---</p> <p>22 (Exhibit Mahmood 5, Confirmation of</p> <p>23 Test Accommodations letter dated May 6, 2008, 2 pages,</p> <p>24 was marked for identification.)</p>	<p>1 additional time that you sought to take the USMLE Step</p> <p>2 2 CK, you submitted a form asking for the same</p> <p>3 accommodations, and the NBME responded that they would</p> <p>4 provide those accommodations?</p> <p>5 A. I would say that they -- each time that I</p> <p>6 registered for the exam, I did submit a form similar</p> <p>7 to -- similar to -- similar to -- whichever one this</p> <p>8 is -- Form for Requesting Subsequent Testing</p> <p>9 Accommodations for Step 1 and Step 2 CK. And the NBME</p> <p>10 sent me a letter similar to this one.</p> <p>11 Q. Indicating Mahmood Number 5?</p> <p>12 A. Yes. That I was -- that I was approved for</p> <p>13 these accommodations.</p> <p>14 Q. Okay. In any of these requests for</p> <p>15 accommodations for Step 2 CK, did you request a</p> <p>16 private testing room?</p> <p>17 A. I did actually request a private testing room,</p> <p>18 but I didn't have any -- considering my disability, I</p> <p>19 didn't have like a -- I didn't see a valid claim for</p> <p>20 it. Despite the fact that they -- let's see. What</p> <p>21 I'm trying to say is that that's Prometric's job --</p> <p>22 Prometric, the testing center's job to provide these</p> <p>23 accommodations -- provide a testing environment -- I</p> <p>24 should say, that's reasonable for taking the exam.</p>
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<p>1 ---</p> <p>2 MR. REIL: 5?</p> <p>3 MR. SACKS: Yes.</p> <p>4 THE WITNESS: Okay.</p> <p>5 BY MR. SACKS:</p> <p>6 Q. And is Mahmood 5 a letter from Dr. Farmer</p> <p>7 indicating that the NBME would provide you with the</p> <p>8 accommodations you requested namely, double time, use</p> <p>9 of your monocular, an enlarged LCD monitor with zoom</p> <p>10 text?</p> <p>11 A. Yes. But again, I would like to note that I</p> <p>12 didn't generate that document so.</p> <p>13 Q. And did you -- this was -- Mahmood 5 is dated</p> <p>14 May 6, 2008?</p> <p>15 A. Yes.</p> <p>16 Q. And it's for the USMLE Step 2 CK, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And did you receive those accommodations?</p> <p>19 MR. REIL: On that date?</p> <p>20 BY MR. SACKS:</p> <p>21 Q. For whenever you tested -- after close in time</p> <p>22 to May 6, 2008.</p> <p>23 A. I don't recall. I honestly don't recall.</p> <p>24 Q. Is it fair to say that you -- for each</p>	<p>1 And all, you know, that's -- I didn't feel that I</p> <p>2 needed to ask for a separate room.</p> <p>3 Q. Let me try to break that down a little bit. In</p> <p>4 any of the requests that you made in writing to the</p> <p>5 NBME for accommodations for the Step 1 or Step 2 CK,</p> <p>6 did you request private testing room?</p> <p>7 A. I don't recall if I did. I have had a lot of</p> <p>8 correspondence with the NBME, and I don't remember</p> <p>9 every single instance of it.</p> <p>10 Q. Did the NBME ever deny you an accommodation --</p> <p>11 ever deny you a request for a private testing room?</p> <p>12 A. I think there might have been an incident, but</p> <p>13 it was -- I don't -- it was more email correspondence,</p> <p>14 I think. I don't remember.</p> <p>15 Q. Well, I asked you a few moments ago if on each</p> <p>16 subsequent instance in which you registered for the</p> <p>17 USMLE Step 2 CK, you requested the same accommodations</p> <p>18 as you had had previously. And I thought your answer</p> <p>19 to that was, yes?</p> <p>20 A. For filling out the forms, yes. But then the</p> <p>21 way that the NBME goes through these things is that</p> <p>22 they assign you a case manager, of sorts, and they</p> <p>23 help you get through the process as well.</p> <p>24 Q. Do you have any writing -- any document or</p>

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<p>1 writing in which you requested a private testing room</p> <p>2 for USMLE Step 2 CK?</p> <p>3 A. I would have to recheck my documents in order</p> <p>4 to verify that.</p> <p>5 Q. Are you testifying under oath today that the</p> <p>6 NBME denied a request to you that is not reflected in</p> <p>7 these documents in which you requested the same</p> <p>8 accommodations and they provided the same</p> <p>9 accommodations?</p> <p>10 A. Well, they did -- they -- as the document</p> <p>11 suggests, that I was not provided with a paper exam.</p> <p>12 So they did actually deny that. But according to the</p> <p>13 official documentation that I provided thus far, I</p> <p>14 don't believe that I specifically asked for a separate</p> <p>15 testing area.</p> <p>16 Q. Okay. And the question that I asked you about</p> <p>17 requesting the same accommodations for each subsequent</p> <p>18 time that you took the USMLE Step 2 CK or registered</p> <p>19 for it, that continues -- that question continued up</p> <p>20 until August 2012 -- 2011. So I want to be clear.</p> <p>21 Let me try asking that one again.</p> <p>22 A. Mm-hmm.</p> <p>23 Q. For the testing in August of 2011, and for the</p> <p>24 USMLE Step 2 CK --</p>	<p>1 understanding.</p> <p>2 MR. REIL: You're asking about it?</p> <p>3 MR. SACKS: Yeah.</p> <p>4 THE WITNESS: Okay.</p> <p>5 BY MR. SACKS:</p> <p>6 Q. So Mahmood Number 6, is that your signature on</p> <p>7 the signature line?</p> <p>8 A. Yes.</p> <p>9 Q. And the date on that is April 29, 2011; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And this refers to the exam of Step 2 CK; is</p> <p>13 that right?</p> <p>14 A. Yes.</p> <p>15 Q. And at the top you checked off, "I have</p> <p>16 received test accommodations for a prior USMLE Step</p> <p>17 and am requesting the previously provided</p> <p>18 accommodations for the Step noted below;" is that</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And take a look at this one, please.</p> <p>22 ---</p> <p>23 (Exhibit Mahmood 7, NBME letter dated</p> <p>24 May 5, 2011, 1 page, was marked for identification.)</p>
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<p>1 A. Mm-hmm.</p> <p>2 Q. -- did you request the same accommodations that</p> <p>3 you had had previously?</p> <p>4 A. Yes.</p> <p>5 Q. And did the NBME grant the same accommodations</p> <p>6 that they had granted previously based on your</p> <p>7 request?</p> <p>8 A. The NBME provided me a letter approving those</p> <p>9 same accommodations.</p> <p>10 Q. Okay. So I'm going to show you the same type</p> <p>11 of documents for what I think is that test in August</p> <p>12 of 2011 and see if you can identify those.</p> <p>13 A. Okay.</p> <p>14 MR. SACKS: This one would be Mahmood</p> <p>15 Number 6.</p> <p>16 ---</p> <p>17 (Exhibit Mahmood 6, USMLE Form for</p> <p>18 Requesting Subsequent Test Accommodations, 1 page, was</p> <p>19 marked for identification.)</p> <p>20 ---</p> <p>21 MR. REIL: Let me say, Counsel, that</p> <p>22 test in 2011 are you talking about August 8th?</p> <p>23 MR. SACKS: Yes. But I'm asking. I'm</p> <p>24 not testifying. So I'm going to ask. But that's my</p>	<p>1 ---</p> <p>2 THE WITNESS: Okay.</p> <p>3 BY MR. SACKS:</p> <p>4 Q. And am I correct that this is a correspondence</p> <p>5 from the NBME to you acknowledging that you had</p> <p>6 requested accommodations for the Step 2 CK; is that</p> <p>7 right?</p> <p>8 A. It appears so.</p> <p>9 Q. Okay.</p> <p>10 ---</p> <p>11 (Exhibit Mahmood 8, NBME Confirmation</p> <p>12 of Test Accommodations letter dated May 16, 2011, 2</p> <p>13 pages, was marked for identification.)</p> <p>14 ---</p> <p>15 BY MR. SACKS:</p> <p>16 Q. And please take a look at Mahmood Number 8 that</p> <p>17 I just handed to you.</p> <p>18 A. Okay.</p> <p>19 Q. Okay. So to the best of your knowledge,</p> <p>20 Ms. Mahmood, is this the confirmation of test</p> <p>21 accommodations that you received from NBME that</p> <p>22 applied to your testing on August 8 of 2011?</p> <p>23 A. Let me check. I'm not sure if this specific</p> <p>24 one is related to that, but it appears to be the same</p>

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<p>1 type of letter.</p> <p>2 Q. Well, this one is dated May 16, 2011.</p> <p>3 A. Yes.</p> <p>4 Q. Do you know if you applied again after May 16,</p> <p>5 2011 and before August?</p> <p>6 A. No, no to my knowledge.</p> <p>7 Q. So this would be the final -- this would be the</p> <p>8 confirmation of the accommodations for the date that</p> <p>9 we're taking about, which is August 8 of 2011?</p> <p>10 A. Yes.</p> <p>11 Q. And the accommodations that were accepted or</p> <p>12 that NBME agreed to provide were again, double time,</p> <p>13 using the monocular, the enlarged monitor, and zoom</p> <p>14 text; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And you had not requested a private room for</p> <p>17 that day; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Now, your claim in this case as it has been</p> <p>20 limited by the Court, has to do with a claim that the</p> <p>21 NBME did not provide you with the proper</p> <p>22 accommodations on August 8, 2011, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And the accommodation that you're referring to</p>	<p>1 enlarged monitor?</p> <p>2 A. The enlarged monitor and zoom text.</p> <p>3 Q. Okay. Now, let's talk about exactly what did</p> <p>4 happen on August 8 of 2011.</p> <p>5 What time did you arrive at Prometric</p> <p>6 that day?</p> <p>7 A. I believe it was before 8:00 a.m.</p> <p>8 Q. Okay. And how did you get there?</p> <p>9 A. My father drove me.</p> <p>10 Q. Had you been at that testing center before?</p> <p>11 A. No.</p> <p>12 Q. That was the first time at that center?</p> <p>13 A. Yes.</p> <p>14 Q. Had you tested at other Prometric centers in</p> <p>15 other parts of Maryland?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What were you wearing that day?</p> <p>18 MR. REIL: Objection, relevance.</p> <p>19 Objection to the form of the question.</p> <p>20 BY MR. SACKS:</p> <p>21 Q. I think it is relevant so --</p> <p>22 MR. REIL: I'm not going to instruct</p> <p>23 her not to answer.</p> <p>24 MR. SACKS: Okay.</p>
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<p>1 specifically relates to the enlarged monitor; is that</p> <p>2 right?</p> <p>3 A. Yes.</p> <p>4 Q. So we're not talking about zoom text, right?</p> <p>5 A. Well, the enlarged monitor is needed for zoom</p> <p>6 text.</p> <p>7 Q. Right. Okay. So the monitor and zoom text are</p> <p>8 together?</p> <p>9 A. Yes.</p> <p>10 Q. And you have no indication that the zoom text</p> <p>11 wasn't working that day; is that right?</p> <p>12 A. On which monitor? Be more specific.</p> <p>13 Q. You know what, let me withdraw that, and then</p> <p>14 I'll ask you some more questions. We'll get to that.</p> <p>15 A. Okay.</p> <p>16 Q. You were allowed to take your monocular into</p> <p>17 the testing area, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And in terms of double time, things happened so</p> <p>20 that the time never expired; is that right?</p> <p>21 A. Well, considering that each day is about nine</p> <p>22 hours of testing time and everything is inclusive, no,</p> <p>23 nine hours did not expire that day just then.</p> <p>24 Q. Right. So what we're talking about is the</p>	<p>1 THE WITNESS: Why is that relevant?</p> <p>2 MR. REIL: You have to answer that.</p> <p>3 MR. SACKS: You just need to answer and</p> <p>4 not ask questions.</p> <p>5 MR. REIL: If you recall, tell him him</p> <p>6 what you were wearing.</p> <p>7 THE WITNESS: I believe I was a shalwar</p> <p>8 kameez.</p> <p>9 BY MR. SACKS:</p> <p>10 Q. I'm sorry?</p> <p>11 A. It's a traditional dress, I suppose.</p> <p>12 Q. Okay.</p> <p>13 A. It's like -- you know what, honestly, if you</p> <p>14 google shalwar kameez, you'll find it. There are many</p> <p>15 examples online. The best way to explain it is baggy</p> <p>16 pants, really baggy, baggy pants and a shirt that's</p> <p>17 long, knee length shirt.</p> <p>18 Q. Okay. How about color? Do you recall it?</p> <p>19 MR. REIL: Same objection.</p> <p>20 THE WITNESS: I don't recall the color.</p> <p>21 BY MR. SACKS:</p> <p>22 Q. Okay. What did you bring with you that day in</p> <p>23 terms of bags?</p> <p>24 A. I had my purse, and I had a bag with food.</p>

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<p>1 Q. Okay. And what -- based on your experience</p> <p>2 before that day, what were you allowed to take into</p> <p>3 the test area with you?</p> <p>4 A. Only my monocular and maybe a pair of glasses.</p> <p>5 Q. And describe the security procedures.</p> <p>6 A. I -- there are -- there is fingerprinting</p> <p>7 done -- a thumbprint, I believe or is it the index</p> <p>8 finger? It's one or the other. There is a picture</p> <p>9 taken, sort of a head shot. And there is -- for that</p> <p>10 center, there was a security wand.</p> <p>11 Q. Okay. Yeah, I was asking specifically about</p> <p>12 your recollection of the security procedures that day?</p> <p>13 A. Okay.</p> <p>14 Q. So is that an accurate answer then?</p> <p>15 A. I think so.</p> <p>16 Q. Okay.</p> <p>17 A. As far as I recall.</p> <p>18 Q. Okay. So you said you got there before</p> <p>19 8 o'clock. Is that what you testified?</p> <p>20 A. Yes.</p> <p>21 Q. So describe exactly what happened, step by</p> <p>22 step.</p> <p>23 A. Okay. I arrived there well before 8:00, and I</p> <p>24 introduced myself to the proctors. And they asked me</p>	<p>1 Q. So was there any registering to do at that</p> <p>2 front desk area?</p> <p>3 A. Other than -- I think, other than saying that</p> <p>4 I'm here for the Step 2 CK exam, I don't believe there</p> <p>5 was.</p> <p>6 Q. So where does the actual registering for the</p> <p>7 exam take place?</p> <p>8 A. It's in a smaller -- like a smaller room</p> <p>9 adjacent to the waiting area.</p> <p>10 Q. Okay. And what time did you go into that room?</p> <p>11 Actually, let me take it back a step.</p> <p>12 Did they call you into that room when they were ready</p> <p>13 for you or did you say I'm ready to go in?</p> <p>14 A. They called me in.</p> <p>15 Q. And do you know what time that was?</p> <p>16 A. Approximately 9 o'clock, I believe.</p> <p>17 Q. Okay. So --</p> <p>18 A. I'm not entirely certain.</p> <p>19 Q. Did you wear a watch?</p> <p>20 A. I don't wear a watch. I have my cell phone.</p> <p>21 Q. Okay.</p> <p>22 (A short break was taken.)</p> <p>23 BY MR. SACKS:</p> <p>24 Q. So Ms. Mahmood, we were starting to go through</p>
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<p>1 to start the registration process to begin the exam.</p> <p>2 I was then -- I put my things away in a -- like in the</p> <p>3 testing center. And I was instructed to wait so I</p> <p>4 waited in the general waiting area of the center.</p> <p>5 Q. When you say you put your things away, do you</p> <p>6 mean in a locker?</p> <p>7 A. Yes.</p> <p>8 Q. And does each locker have a lock and a key?</p> <p>9 A. I think so.</p> <p>10 Q. Did you take a key and put everything else in</p> <p>11 the locker? What did you do?</p> <p>12 A. I didn't put everything else immediately. I</p> <p>13 had my monocular and my glasses out. And I usually</p> <p>14 don't lock my locker until right before the exam</p> <p>15 so....</p> <p>16 Q. When you say -- did you say that they asked you</p> <p>17 to wait in the waiting area?</p> <p>18 A. Yes.</p> <p>19 Q. And is the waiting area in the same area where</p> <p>20 the lockers are?</p> <p>21 A. Yes. It's a large area with chairs, sort of a</p> <p>22 front desk area and lockers.</p> <p>23 Q. Okay.</p> <p>24 A. As far as I recall.</p>	<p>1 the sequence of what happened that day. You testified</p> <p>2 that you put your bags into a locker, that you let the</p> <p>3 folks at the front desk know you were there.</p> <p>4 A. Mm-hmm.</p> <p>5 Q. And they asked you to take a seat in the</p> <p>6 waiting area.</p> <p>7 A. Yes.</p> <p>8 Q. And we talked a little bit about the security</p> <p>9 procedures. But what time did they actually call you</p> <p>10 in to register?</p> <p>11 A. I believe it was approximately 9 o'clock.</p> <p>12 Q. Okay. And at that point, did you go through</p> <p>13 security procedures?</p> <p>14 A. Yes.</p> <p>15 Q. And what specifically did you do?</p> <p>16 A. I was fingerprinted, photo was taken, and the</p> <p>17 security wand.</p> <p>18 Q. Okay. Like a metal detector type thing?</p> <p>19 A. Yes. I think so.</p> <p>20 Q. And was there any discussion with the proctor</p> <p>21 or proctors about where you'd be sitting or what</p> <p>22 accommodations you'd have, or anything like that?</p> <p>23 A. They said -- the proctor that was registering</p> <p>24 me said -- pointed to the booth behind her and said</p>

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<p>1 that I would be sitting there.</p> <p>2 Q. Okay.</p> <p>3 A. And to put my belongings in that area.</p> <p>4 Q. And was that a female or male proctor?</p> <p>5 A. I think it was a female. I believe it was a</p> <p>6 female. They kind of interchange.</p> <p>7 Q. I didn't ask you this before, but how many</p> <p>8 times had you taken the Step 2 CK before that date?</p> <p>9 A. I don't remember the exact number, but at least</p> <p>10 once before.</p> <p>11 Q. Okay. Now, you said you went through the</p> <p>12 registration process of signing in with the proctor</p> <p>13 and the security, you had the thumb print and the</p> <p>14 picture taken?</p> <p>15 A. Mm-hmm.</p> <p>16 Q. Did you go directly from there into the testing</p> <p>17 area or did you do something else?</p> <p>18 A. Well, there was some waiting involved, a little</p> <p>19 bit more waiting and then I went into the booth to</p> <p>20 start the exam.</p> <p>21 Q. Okay. Did you use the bathroom before you went</p> <p>22 into the booth for the testing?</p> <p>23 A. I don't believe so. I don't think I did.</p> <p>24 Q. So you went into the testing area, which was</p>	<p>1 you remember specifically what you did when you got</p> <p>2 into the private testing area -- private testing room</p> <p>3 on August 8, 2011.</p> <p>4 A. That is what I did.</p> <p>5 Q. Okay. So you adjusted the chair, adjusted the</p> <p>6 monitor and --</p> <p>7 A. The keyboard and the mouse.</p> <p>8 Q. And the keyboard went behind the monitor? And</p> <p>9 the mouse to which side?</p> <p>10 A. Right side.</p> <p>11 Q. Okay. Now, did you start the tutorial?</p> <p>12 A. Yes.</p> <p>13 Q. And what happened next?</p> <p>14 A. I put in my candidate information number. I</p> <p>15 started, I began the tutorial I -- which involves</p> <p>16 adjusting the levels and the headphones -- earphones</p> <p>17 that -- for audio-visual questions, and I began the</p> <p>18 tutorial.</p> <p>19 Q. Okay. And how long does the tutorial normally</p> <p>20 last?</p> <p>21 A. I think it has a small number of questions, but</p> <p>22 I don't recall exactly how long it lasts.</p> <p>23 Q. Okay. How long did you work on the tutorial?</p> <p>24 A. At least ten minutes, I would say.</p>
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<p>1 the private room?</p> <p>2 A. Yes.</p> <p>3 Q. And did one of the proctors take you there and</p> <p>4 set you up?</p> <p>5 A. Yes.</p> <p>6 Q. And was that the male or female proctor?</p> <p>7 A. As I said before, they were kind of sharing</p> <p>8 responsibilities. So I'm not a hundred percent which</p> <p>9 one it was.</p> <p>10 Q. Okay.</p> <p>11 A. I honestly don't remember.</p> <p>12 Q. What did you do once you got in there?</p> <p>13 A. I sat, I adjusted the chair to my height and</p> <p>14 the desk height -- I'm kind of short so I always have</p> <p>15 to adjust the chair. I adjusted the monitor. I bring</p> <p>16 it forward so I can see it. And I put the keyboard</p> <p>17 behind it. And I reach around the monitor to type and</p> <p>18 the mouse is on the side. So I just adjusted things</p> <p>19 to my liking.</p> <p>20 Q. Okay. So I was asking you specifically about</p> <p>21 what you did on that occasion and your answer sounded</p> <p>22 like what you typically do. So I want to just make</p> <p>23 sure that we're clear that I'm not asking you your</p> <p>24 usual routine or your usual practice. I'm asking if</p>	<p>1 Q. Okay. And what's the next thing that happened?</p> <p>2 A. The proctor came in and asked me to finish up</p> <p>3 as quickly as I could and, you know, step outside of</p> <p>4 the booth.</p> <p>5 Q. Okay. And did he say why he wanted you to step</p> <p>6 outside the booth?</p> <p>7 A. Not at that point, I don't think.</p> <p>8 Q. Okay. Did you finish the tutorial and then</p> <p>9 step out of the booth?</p> <p>10 A. I finished most of the tutorial, but, you know,</p> <p>11 the interruption kind of throws me off every time, so</p> <p>12 I hurried through the questions and I left a few</p> <p>13 behind, and then I stopped the exam and stepped out.</p> <p>14 Q. Okay. And when you stepped out, what happened?</p> <p>15 A. So I was asked to -- yeah, I think I was asked</p> <p>16 to wait in the waiting area, and I would be seated at</p> <p>17 another place.</p> <p>18 Q. Okay. And was there any further conversation</p> <p>19 between you and the proctor?</p> <p>20 A. Not at that point.</p> <p>21 Q. Did you ask the proctor why you were going to</p> <p>22 be reseated?</p> <p>23 A. A little bit later.</p> <p>24 Q. Later meaning, five minutes, ten minutes, what?</p>

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<p>1 A. I think it was about ten minutes. I mean, it 2 was a little bit after. I waited for a few minutes 3 and maybe like ten, I think. 4 Q. Where? Where were you? 5 A. In the general testing area -- general waiting 6 area. 7 Q. Again, where the lockers are, that same room? 8 A. Yes. 9 Q. So up to that point, you had started the 10 tutorial, you worked on the tutorial, the proctor came 11 in and told you that when you fished up to come 12 outside? 13 A. Yes. 14 Q. And then when you did finish up, you went 15 outside and spoke to him, and he said he was going to 16 reseal you? 17 A. Yes. I didn't exactly finish up. I mean, the 18 time for the tutorial is included in the whole 19 nine-hour testing day so. 20 Q. Okay. And to that point that we've just talked 21 about, you didn't know why you were going to be 22 reseated? 23 A. No, no at that point. 24 Q. Up so that point had you visited the bathroom</p>	<p>1 Q. So do you have to check out before you sit in 2 the waiting area? 3 A. Yes. 4 Q. Okay. Did you check out before you went to the 5 waiting area after the proctor had spoken to you as 6 you just described? 7 A. I'm not -- I honestly don't recall. I honestly 8 don't recall. 9 Q. Okay. So what time was it that you were in the 10 waiting area after the proctor told you that he was 11 going to have to reseal you and asked you to go to the 12 waiting area? What time was it that you were in the 13 waiting area? 14 A. It was after 9 o'clock. I can definitely say 15 that much, but how much farther, I don't recall the 16 time at that point. 17 Q. Now, what was the next thing that happened? 18 A. I waited for the proctors for a little bit. 19 Then I asked them why -- you know, what was holding up 20 my testing, my exam. And they -- at that point, they 21 said -- I'm just trying to remember. Just give me a 22 second. 23 Okay. So while I was waiting in the 24 testing area, I believe that was when I heard another</p>
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<p>1 that day? 2 A. Not yet. 3 Q. Okay. When you went out to the waiting room, 4 did you -- from the waiting room, did you visit the 5 bathroom? 6 A. There isn't a bathroom connected to the waiting 7 area. 8 Q. Okay. Let me take it back a step. If you need 9 to go to the bathroom, what do you do? 10 A. You exit the testing center, and then I think 11 you -- there is a bathroom on that floor, a little 12 farther, quite a bit farther down the hall. 13 Q. Okay. So when you say you exit the testing 14 center, do you have to go through a process to do 15 that? 16 A. No. It's -- the testing center, you know, the 17 door says Prometric Testing Center you exit that door 18 and that's it. Then you're out in the main 19 administrative hallway. 20 Q. Okay. But once you check in for an exam, do 21 you have to check out before you go to the bathroom? 22 A. Any time that you leave the testing 23 environment, you have to check out. Any time you go 24 back in, you have to check back in.</p>	<p>1 lady talking loudly about -- about getting 2 accommodations, and, you know, talking something about 3 being approved. I didn't hear the entire 4 conversation. Obviously, I wasn't really trying to 5 listen in. But so that -- that happened for about 6 like a few lines of conversation between the woman 7 and, I think one, of the proctors. I'm not entirely 8 sure. Then she -- you know, she quieted down. And I 9 think she was seated somewhere. I believe it was in 10 the booth that I had vacated. And, you know, then 11 I -- you know, once things were quieter, I peeked in 12 and I asked the proctors when I would be seated again 13 for the test. And it was -- I believe it was that 14 point that they said that they had seated another 15 student with a disability accommodation in my booth 16 and that I would be seated somewhere else. 17 Q. Okay. You said you heard a sort of a loud 18 conversation? 19 A. Mm-hmm. 20 Q. And would you describe that as an angry 21 conversation? Was somebody yelling at somebody? 22 A. Well, I mean the lady -- I wouldn't say she 23 was. She was talking very loudly -- I guess you could 24 characterize that as yelling but not entirely.</p>

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<p>1 Q. Was it your understanding or your impression 2 that she was angry at something? 3 A. Yes. It was my understanding that she was 4 angry at something or about something. 5 Q. Now, this was after you were already in the 6 waiting area, correct? 7 A. Yes. 8 Q. And after you had been told that you were going 9 to be moved, correct? 10 A. Yes. I think so. 11 Q. And in all this time, you have not visited the 12 restroom? 13 A. Not yet. 14 Q. Okay. So describe in a little more detail, if 15 you can, what the proctor or proctors said to you 16 about where you were going to be seated and why? 17 A. The proctors said something to the general idea 18 of -- I was being seated because they were giving 19 preference to the other student and that they would 20 find accommodations for me soon in another area. 21 Q. Did they use the word "giving preference"? 22 A. I don't remember the exact wording that they 23 used. 24 Q. Did they use the term "your booth" or your --</p>	<p>1 Q. And had you also tested in a private room? 2 A. Yes. 3 Q. How many times? 4 A. I don't remember the exact number. I would 5 definitely say that -- I've definitely tested at least 6 once in a private room, at least once in a general 7 area. 8 Q. Okay. So what time was it that you had the 9 conversation with the proctor saying you're going to 10 be moved and they're putting the other lady in the 11 private room? 12 A. After 9 o'clock. I would say probably 9:30 13 ish. 14 Q. 9:30 ish? 15 A. I think. To -- considering that, yeah, I 16 didn't exactly look at a watch or my cell phone for 17 that matter so.... 18 Q. Now -- 19 A. Approximating. 20 Q. When did you go and sit in the main testing 21 area? I'm sorry. Let me ask it this way. What was 22 the next thing that happened? 23 A. I waited a little more. And then I went to the 24 bathroom.</p>
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<p>1 "the room where you were testing, they were giving to 2 someone else"? 3 A. Yes. 4 Q. Exactly what words did they say? 5 A. I honestly don't remember. 6 Q. Well, do the best you can. 7 MR. REIL: If you can. 8 THE WITNESS: Yeah. I remember the 9 gist of the conversation. I don't remember exactly 10 the words that were said. 11 BY MR. SACKS: 12 Q. And the gist was what? 13 A. That I would be -- that the other lady was 14 being seated in my booth that I had been in, and that 15 I would be seated somewhere else. And that they were 16 giving preference to her accommodations over mine. 17 Q. Did you say earlier that you had never tested 18 at this Prometric center? 19 A. Yes. 20 Q. Yes, that's correct? 21 A. That is correct. 22 Q. At other Prometric testing centers, had you 23 tested in a room with other examinees? 24 A. Once, yes.</p>	<p>1 Q. Okay. And what time was it that you went to 2 the bathroom? 3 A. I don't remember honestly. 4 Q. Okay. And did you have to ask anybody's 5 permission or tell anyone you were going to the 6 bathroom? 7 A. No. 8 Q. And that's because you had already checked out 9 of -- through security and let them know that you were 10 going to the waiting area? 11 A. Yes. 12 Q. And did you stop at your locker at any point? 13 A. I don't believe that I did. 14 Q. Okay. And you went to the bathroom -- you went 15 to the bathroom before you were seated in the main 16 seating area, main testing area? 17 A. I'm sorry. Repeat the question. 18 Q. After the proctors told you that you would be 19 moving and you were waiting in the waiting area -- 20 A. Yes. 21 Q. -- eventually, you were seated in the main 22 testing area with other examinees; is that right? 23 A. Yes. 24 Q. Okay. Before that happened, before you were</p>

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<p>1 seated in the main testing area with other examinees</p> <p>2 --</p> <p>3 A. Mm-hmm.</p> <p>4 Q. -- you went to the bathroom; is that right?</p> <p>5 A. Once.</p> <p>6 Q. Okay. I'm just trying to get the sequence</p> <p>7 correct.</p> <p>8 A. Mm-hmm.</p> <p>9 Q. So you were asked to wait in the waiting area</p> <p>10 because you were going to be moved, you're waiting in</p> <p>11 the waiting area, you heard the other examinee loudly</p> <p>12 talking about accommodations; is that right? Do I</p> <p>13 have it right so far?</p> <p>14 A. Yes.</p> <p>15 Q. And you're waiting in the waiting area some</p> <p>16 more, and then you went to the bathroom.</p> <p>17 A. Well, I would say that I went to look for the</p> <p>18 bathroom.</p> <p>19 Q. Okay. Tell me.</p> <p>20 A. So I'm used to the bathroom being, you know,</p> <p>21 close to the testing area. And I remember there was</p> <p>22 one, but I wasn't sure if it was male or female or if</p> <p>23 it was -- what do you call it -- unisex.</p> <p>24 Q. Okay.</p>	<p>1 problems I've had with the monitor, specifically with</p> <p>2 zoom text. So my understanding is that it's shipped</p> <p>3 from the NBME to the Prometric's testing center. And</p> <p>4 it's very specific to me because they're -- for some</p> <p>5 reason -- the reasons that I've been told is that, so</p> <p>6 that it wasn't tampered with by anybody else and that</p> <p>7 it's, you know, the NBME makes sure that it does work.</p> <p>8 So I was assuming that that particular monitor would</p> <p>9 follow me to the other area.</p> <p>10 Q. Okay. Now, you had been in the private testing</p> <p>11 area and using that monitor with zoom text to do the</p> <p>12 tutorial, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And the monitor worked at that time, didn't it?</p> <p>15 A. Yes.</p> <p>16 Q. And the zoom text worked?</p> <p>17 A. Yes.</p> <p>18 Q. So the monitor that you were given in the</p> <p>19 private area worked fine?</p> <p>20 A. Yes.</p> <p>21 Q. And then you were asked to go wait because you</p> <p>22 were going to have to be moved?</p> <p>23 A. Mm-hmm.</p> <p>24 Q. And you've described waiting in the waiting</p>
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<p>1 A. Male and female like a general bathroom. And I</p> <p>2 remember making sure which one it was. Then I went</p> <p>3 around the hall because I determined that it was</p> <p>4 actually the male bathroom -- men's room. I went to</p> <p>5 look for the ladies room. I went around the hall,</p> <p>6 both -- I think it was a circular hall or a U-shaped</p> <p>7 hall, something to that effect. And I went both</p> <p>8 directions, and I finally found it. But then I wanted</p> <p>9 to check and make sure that they hadn't gone forward</p> <p>10 with, you know, setting up my accommodations so I went</p> <p>11 back.</p> <p>12 Q. So you didn't actually go in the bathroom at</p> <p>13 that time?</p> <p>14 A. No.</p> <p>15 Q. So you went back to the waiting area or to the</p> <p>16 proctors area where the security area was?</p> <p>17 A. I went back to the waiting area.</p> <p>18 Q. And then what happened?</p> <p>19 A. I waited for them to seat me. And they said</p> <p>20 that they had gotten -- they'd set up my monitor now.</p> <p>21 Q. Okay. And was it your understanding that they</p> <p>22 took the monitor that you had been using in the</p> <p>23 private room and set it up in the main room?</p> <p>24 A. I would assume so because of the previous</p>	<p>1 area, eventually looking for the bathroom, taking a</p> <p>2 walk, and then coming back.</p> <p>3 A. Mm-hmm.</p> <p>4 Q. And then you were called to go into the main</p> <p>5 seating area; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Who was it that called you into the main</p> <p>8 seating area or how did that take place?</p> <p>9 A. I believe that time it was the male proctor.</p> <p>10 Q. Okay. And did he escort you to a particular</p> <p>11 seat?</p> <p>12 A. Yes.</p> <p>13 Q. Am I correct that the monitor that you had been</p> <p>14 using in the private room was a large monitor?</p> <p>15 A. I believe so.</p> <p>16 Q. Okay. And was the large monitor at your new</p> <p>17 seat?</p> <p>18 A. No.</p> <p>19 Q. Was it a different monitor?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. How do you know it was a different</p> <p>22 monitor?</p> <p>23 A. Because it was a different size, and because it</p> <p>24 was broken.</p>

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<p>1 Q. And when you say it was broken, how was it 2 broken?</p> <p>3 A. Well, it was an LCD monitor. So LCD monitors 4 come with stands, as do all monitors. The LCD screen 5 part was separate from the stand. There were wires 6 going from the stand, which was behind it, separate 7 from it going into the back of the LCD screen. The 8 LCD screen was perched on its edge, on one of its long 9 edges. And it was perched on the desk. The proctor 10 specifically told me not to touch it because it would 11 tip over or the connections behind it would falter. 12 The keyboard -- the keyboard was -- the mouse was 13 definitely -- well, gosh, as far as I recall, the 14 mouse was on the right and the keyboard was somewhere 15 in the area. I'm not sure exactly where.</p> <p>16 Q. Okay. So how is it that it was not falling 17 over?</p> <p>18 A. I hadn't touched it yet.</p> <p>19 Q. I know but was the monitor leaning on 20 something?</p> <p>21 A. I didn't examine it that well. I mean, I 22 didn't want to touch it because, I mean, I didn't want 23 it to fall over. And considering that it's an 24 electronic device, I didn't want to short circuit</p>	<p>1 didn't -- well, it didn't work. At that point, I 2 either stepped out of the testing area or I called the 3 proctor.</p> <p>4 Q. And what happened then?</p> <p>5 A. I told them about my reservations about the LCD 6 screen, that it just -- it's not working. And it's 7 not the same monitor. And, you know, that if they 8 could please provide a working monitor, I would be 9 more than happy to use that with my accommodations and 10 all.</p> <p>11 Q. Okay. Now, up to this point that you've 12 described in the story, have you been to the bathroom 13 yet?</p> <p>14 A. I know where it is now.</p> <p>15 Q. Okay.</p> <p>16 A. But I haven't actually been there yet.</p> <p>17 Q. Okay. And what happened when you asked the 18 monitor (sic)-- when you told the monitor (sic), you 19 know, this is not a good situation, could you please 20 provide me with a working monitor. What happened 21 then?</p> <p>22 A. I got the impression that he wasn't very happy 23 about it. But he said that he'd try to find one.</p> <p>24 Q. Okay.</p>
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<p>1 anything so the wires behind it looked pretty -- they 2 just -- it didn't appear safe to touch it. So it was 3 just perched on its edge. I didn't make sure if it 4 was leaning against something.</p> <p>5 Q. But you're quite sure that it was a different 6 monitor than the one you had been using, not just the 7 same one without the stand?</p> <p>8 A. Yes.</p> <p>9 Q. And what happened next?</p> <p>10 A. The -- I did -- I remember saying something to 11 the effect of, are you sure this will work to the 12 proctor, and he said something like, you know, 13 approximately, you know, that this is the best we can 14 do right now, and you know, to attempt to use it.</p> <p>15 Q. Okay. And what happened next?</p> <p>16 A. I tried to sit on the chair. And I tried to 17 use it. But I moved the mouse and the screen 18 flickered. So I wasn't really able to, you know, to 19 give it a test. Also, the way that it was set up, I 20 didn't feel comfortable using it. Also, the fact that 21 I had to hunch over quite a bit in order to see 22 anything on it 'cause it was like, you know, without 23 the stand, the LCD screen is pretty low. So I wasn't 24 really able to -- I mean, I gave it a shot, but it</p>	<p>1 A. Then there was conversations with, you know, 2 the other proctor, and they were both on phones.</p> <p>3 Q. Where were you?</p> <p>4 A. I was in the waiting area.</p> <p>5 Q. When did you go to the waiting area?</p> <p>6 A. When I told the proctor that I wasn't happy 7 with the monitor -- with the LCD screen.</p> <p>8 Q. And he said go wait in the -- did he tell you 9 to go wait in the waiting area?</p> <p>10 A. Yeah. He said that, you know, my test would be 11 suspended, and that, you know -- to have, you know -- 12 to wait while they were working on it.</p> <p>13 Q. Okay. So he said wait there while we try to 14 figure this out?</p> <p>15 A. Yeah, something like that.</p> <p>16 Q. And you went to the waiting area?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. What time was it at that point would you 19 say?</p> <p>20 A. Well, I can tell you the approximate -- like 21 the length of time as far as I can remember that I 22 spent in the testing area when the proctor seated me 23 at the faulty monitor, I'd say that was about five to 24 ten minutes max. And then I exited so -- I mean,</p>

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<p>1 that's the best I can do.</p> <p>2 Q. Okay. Did you have to check out again to go</p> <p>3 back to the waiting area?</p> <p>4 A. Actually, I'm not entirely sure that -- that I</p> <p>5 had to check out at that point. I mean, I've had --</p> <p>6 at this point, I've had to check in and check out a</p> <p>7 couple of -- more than like three or four times. So I</p> <p>8 don't remember the exact -- if I did that time or</p> <p>9 didn't.</p> <p>10 Q. Okay. You said that the proctor said your test</p> <p>11 will be suspended?</p> <p>12 A. Yeah, as in my -- the time allotted for my</p> <p>13 exam. It won't be running.</p> <p>14 Q. Okay.</p> <p>15 A. Normally, it does run for every break that I</p> <p>16 take. So all breaks are included in the total testing</p> <p>17 time for that day. But as far as I recall, he said</p> <p>18 that, you know, they had stopped my clock.</p> <p>19 Q. They stopped the clock while they tried to look</p> <p>20 for -- while they tried to deal with the monitor</p> <p>21 situation?</p> <p>22 A. Yeah, I think so.</p> <p>23 Q. So you went to the waiting area?</p> <p>24 A. Yes.</p>	<p>1 A. Yes.</p> <p>2 Q. So you've described a lot of things happening</p> <p>3 from the time that you took the tutorial. You were</p> <p>4 first told you would have to be reseated. You waited</p> <p>5 in the waiting area. Checked out where is the</p> <p>6 bathroom. Eventually you were seated in the main</p> <p>7 testing area. There was a problem with the monitor.</p> <p>8 You got the proctor. You asked for a different</p> <p>9 monitor. Is that right?</p> <p>10 A. Mm-hmm.</p> <p>11 Q. He asked you to wait in the waiting area. Do I</p> <p>12 have all that correct so far in terms of sequence?</p> <p>13 A. I believe so. Specifically, about the monitor,</p> <p>14 I just asked for a monitor with my accommodations</p> <p>15 Q. You asked for a monitor with your</p> <p>16 accommodations?</p> <p>17 A. Yes.</p> <p>18 Q. And other than that, did I get the sequence</p> <p>19 correct?</p> <p>20 A. I think so.</p> <p>21 Q. Okay. And then you went to the waiting area</p> <p>22 and you waited for what seemed like a long time?</p> <p>23 A. Yes.</p> <p>24 Q. How long would you say?</p>
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<p>1 Q. You're not sure, though, if you checked out</p> <p>2 through the security?</p> <p>3 A. Not sure at all.</p> <p>4 Q. Okay. Did you go to the bathroom at that time</p> <p>5 through the waiting area?</p> <p>6 A. I waited for a little bit longer. I believe</p> <p>7 there was -- you know, they were on phones, and I</p> <p>8 just -- I don't know. I was looking at the TV or just</p> <p>9 something. I waited for a little bit. And then when,</p> <p>10 you know, I felt that there was no activity happening</p> <p>11 for quite a while, the proctors were handling other</p> <p>12 students and, you know, I didn't hear anything about</p> <p>13 it for a long time -- what felt like a long time. So</p> <p>14 then I went to the bathroom.</p> <p>15 Q. So this is the first time that you actually</p> <p>16 went into bathroom?</p> <p>17 A. Mm-hmm.</p> <p>18 Q. Did you stop at your locker before you went to</p> <p>19 the bathroom?</p> <p>20 A. I don't remember.</p> <p>21 Q. Is this the time when you went to the bathroom</p> <p>22 and you started a fire?</p> <p>23 A. I lit a small piece of tissue paper on fire.</p> <p>24 Q. Is this the time that that happened?</p>	<p>1 A. It felt like an hour, maybe. I didn't have --</p> <p>2 I didn't have my phone with me.</p> <p>3 Q. Okay.</p> <p>4 A. And I didn't see a clock around the area so.</p> <p>5 Q. But it felt like a long time?</p> <p>6 A. Yeah.</p> <p>7 Q. And while that was happening, you were hearing</p> <p>8 the proctors deal with other students?</p> <p>9 A. Yes.</p> <p>10 Q. And then you went to the bathroom?</p> <p>11 A. Yes.</p> <p>12 Q. Now, in the bathroom -- and during that trip to</p> <p>13 the bathroom is when you lit something on fire?</p> <p>14 A. A small piece of tissue paper, yeah.</p> <p>15 Q. A small piece of tissue paper. So let me ask</p> <p>16 you a couple of questions. The police describe a</p> <p>17 piece of twine starting -- like a fire started or the</p> <p>18 tissue paper and a piece of twine.</p> <p>19 A. Okay.</p> <p>20 Q. Did you take a piece of twine to the bathroom?</p> <p>21 A. No. I did not have any twine with me.</p> <p>22 Q. Okay. Did you bring something into the</p> <p>23 bathroom that you stuck on the wall and lit on fire?</p> <p>24 A. No.</p>

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<p>1 Q. Did you use any flammable liquid?</p> <p>2 A. I don't think so. I'm pretty --</p> <p>3 Q. Did you --</p> <p>4 A. Sorry.</p> <p>5 Q. Go ahead.</p> <p>6 A. I don't believe I used any flammable liquid to,</p> <p>7 you know, with the tissue paper.</p> <p>8 Q. Did you have a bag or a Tupperware that had</p> <p>9 gasoline or some other flammable liquid in it?</p> <p>10 A. No.</p> <p>11 Q. How did you light the tissue paper on fire.</p> <p>12 A. I had a lighter with me.</p> <p>13 Q. And had you had that lighter with you in the</p> <p>14 test -- when you were testing?</p> <p>15 A. No.</p> <p>16 Q. So where did you get the lighter?</p> <p>17 A. I likely -- it was -- I keep a lighter in my</p> <p>18 purse, so at some point I must have checked my purse.</p> <p>19 Q. So I asked you a little while ago did you go</p> <p>20 into your locker. And you said no or you don't think</p> <p>21 so. Does that change your testimony?</p> <p>22 A. Well, I don't recall if I did so....</p> <p>23 Q. Do you smoke cigarettes?</p> <p>24 A. I do not.</p>	<p>1 A. Bathrooms have quite a supply of tissue paper</p> <p>2 from the dispenser on the side to toilet paper.</p> <p>3 Q. Okay. I'm asking where did it come from, not</p> <p>4 what do bathrooms usually have?</p> <p>5 A. I believe that was -- I believe that was the</p> <p>6 hand dispenser -- the hand wipes in the bathroom next</p> <p>7 to the sink.</p> <p>8 Q. You mean the paper towels to wipe one's hands</p> <p>9 with?</p> <p>10 A. Yes.</p> <p>11 Q. Or tissues to blow one's nose with?</p> <p>12 A. Paper towels, I believe.</p> <p>13 Q. And how did you light it on fire?</p> <p>14 A. With a lighter.</p> <p>15 Q. Were you standing there in one hand with the</p> <p>16 paper towel and the other hand with the lighter, and</p> <p>17 you lit it on fire that way?</p> <p>18 A. I was near the sink.</p> <p>19 Q. Okay.</p> <p>20 A. And I had the tissue paper in one hand and the</p> <p>21 lighter in the other and I lit it on fire.</p> <p>22 Q. And then what?</p> <p>23 A. And then I believe I put it out and I left.</p> <p>24 Q. Did you run water on it?</p>
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<p>1 Q. Why do you carry a lighter?</p> <p>2 A. It's also why I carry like a pocket -- like a</p> <p>3 multipurpose tool, same reason.</p> <p>4 Q. What? What is that reason?</p> <p>5 A. It's just something that you carry around.</p> <p>6 It's like a survival thing, I guess.</p> <p>7 Q. Okay. So you don't recall stopping and getting</p> <p>8 something out of your locker?</p> <p>9 A. Not specifically, no. I do not recall</p> <p>10 specifically whether I did or not.</p> <p>11 Q. You had no lighter in your possession when you</p> <p>12 were testing; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. But you had the lighter in your possession when</p> <p>15 you went to the bathroom?</p> <p>16 A. Yes.</p> <p>17 Q. Did you bring it with you that day because you</p> <p>18 were planning to light a fire?</p> <p>19 A. No.</p> <p>20 Q. Did you have any intention before you came that</p> <p>21 day, before you went to the testing center of lighting</p> <p>22 a fire?</p> <p>23 A. No.</p> <p>24 Q. Where did the tissue paper come from?</p>	<p>1 A. No.</p> <p>2 Q. Where did you leave it?</p> <p>3 A. On the floor since it was ceramic tile. I</p> <p>4 didn't want to put it in the waste paper basket</p> <p>5 because that had more tissues in it, and that would,</p> <p>6 kind of, cause a larger fire.</p> <p>7 Q. Did you walk away when it was on fire?</p> <p>8 A. I don't think it was on fire.</p> <p>9 Q. Did you put it out?</p> <p>10 A. I don't remember exactly, if I did put it out.</p> <p>11 I remember letting it go on the floor.</p> <p>12 Q. And you did not use twine?</p> <p>13 A. No.</p> <p>14 Q. And you did not bring any flammable liquids?</p> <p>15 A. No.</p> <p>16 Q. And you had no plan to do that before you came</p> <p>17 in that day?</p> <p>18 A. No.</p> <p>19 Q. Was anybody else in the bathroom when you did</p> <p>20 that?</p> <p>21 A. I don't remember looking around for anybody</p> <p>22 else when I did that. And I don't think there was</p> <p>23 anybody else, but I'm not sure.</p> <p>24 Q. What was going through your mind?</p>

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<p>1 A. I was very depressed about not having the 2 accommodations yet again, about Prometric not 3 providing appropriate accommodations for me. This 4 was -- it was just like a recurring trend so. And it 5 would delay my exam, yet again. And at that point, I 6 was also coming up against the seven-year deadline for 7 getting an M.D. So a lot of those factors were going 8 through my mind.</p> <p>9 MR. SACKS: I need to take a three 10 minute break.</p> <p>11 (A short break was taken.)</p> <p>12 BY MR. SACKS:</p> <p>13 Q. So what you just described in the bathroom 14 happened after you had asked the Prometric proctor to 15 find you -- to get you a monitor with your 16 accommodations?</p> <p>17 A. Yes.</p> <p>18 Q. And they were making calls and whatever, and 19 you were waiting for them to get back to you.</p> <p>20 A. Mm-hmm.</p> <p>21 Q. And you went to the bathroom and did what you 22 described in terms of lighting a paper towel on fire.</p> <p>23 A. Yes.</p> <p>24 Q. So let's mark this next document.</p>	<p>1 it. So take your time though and look at this as 2 closely as you want. And then I can ask you a couple 3 of questions.</p> <p>4 A. (Reviewing document.) Okay.</p> <p>5 Q. So have you seen that before?</p> <p>6 A. I don't recall going through every piece of 7 documentation for this -- for these proceedings.</p> <p>8 Q. Have you seen this document before?</p> <p>9 A. I might have. I don't recall exactly.</p> <p>10 Q. Okay. The document which you just -- you had a 11 chance to read it --</p> <p>12 A. Yes.</p> <p>13 Q. -- just now. Okay. So on the first page, it 14 describes a Prometric employee who says that she saw 15 you in the bathroom at approximately 9:10 a.m. And 16 she saw you standing at the sink near the back wall. 17 And she saw you cleaning out a small plastic container 18 that appeared to have a plastic Ziploc bag with wet 19 paper towels in it. And that when she opened the bag, 20 this employee, Lisa, noticed a strong smell like 21 chemicals.</p> <p>22 A. I remember washing my hands at the sink 23 multiple times but there wasn't any Ziploc bag that I 24 recall.</p>
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<p>1 ---</p> <p>2 (Exhibit Mahmood 9, Prometric report 3 dated August 16, 2011, 4 pages, was marked for 4 identification.)</p> <p>5 ---</p> <p>6 BY MR. SACKS:</p> <p>7 Q. So Ms. Mahmood, have you ever seen this before, 8 this document that was just marked as Mahmood Number 9 9?</p> <p>10 A. No.</p> <p>11 Q. You've never seen this in the course of this 12 litigation? Have you seen this report from Prometric 13 about the events that happened on August 8, 2011?</p> <p>14 A. I don't remember exactly. I mean --</p> <p>15 MR. REIL: Let me note for the record 16 that plaintiff has not authored this document.</p> <p>17 MR. SACKS: Clearly not. This is a 18 document that you have seen before, Mr. Reil. It's 19 been attached to motions. It's a report from 20 Prometric, the testing organization, about the events 21 of August 8, 2011. The report is dated August 16, 22 2011.</p> <p>23 BY MR. SACKS:</p> <p>24 Q. But I want to ask you a couple of things about</p>	<p>1 Q. And did you have anything with you in a bag 2 that smelled like chemicals?</p> <p>3 A. No.</p> <p>4 Q. Okay. She described you going into one of 5 stalls?</p> <p>6 A. I did go to the bathroom.</p> <p>7 Q. Okay. A different Prometric employee -- after 8 the first one left, a second employee came in and 9 describes passing by you, and that she, the employee, 10 entered one of the stalls, and that she could see 11 through the crack you using the sink.</p> <p>12 A. Yes.</p> <p>13 Q. And when she came out of the -- she describes 14 when she came out of the stall, she observed what 15 appeared to be paper towels stuck to the wall 16 underneath the sink counter top where you had been 17 standing with an attached string hanging down from 18 them, and the string was on fire moving it's way up 19 toward the wall.</p> <p>20 A. Well, as I said before, I didn't have on my 21 possession any sort of string so. And I didn't attach 22 anything to the wall.</p> <p>23 Q. Okay. So this person describing this -- not 24 true from your point of view?</p>

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<p>1 A. Well, I don't recall that particular, you know, 2 what's she describing here. 3 Q. So might it have happened, you just don't 4 recall? 5 A. I don't think it did happen. I did not -- like 6 I said, I did not have any string with me, not even -- 7 you know, my monocular it has like a -- 8 Q. Strap? 9 A. Yeah, exactly. I didn't even have that with 10 me. 11 Q. And the time frame that she's describing is 12 earlier than you've described. Sometime between 9:00 13 and 9:15, and you had described a whole series of 14 events that would have made it, I think, later than 15 that; is that correct? 16 A. Well, there are some discrepancies here. For 17 instance, here (indicating) appointment time. My 18 appointment time was actually 8:00 a.m. not 9:00 a.m. 19 because I've taken these really long exams before, and 20 they -- and to accommodate the staff, they ask me to 21 come an hour earlier when the center opens. So it's 22 usually about 8:00 a.m. 23 Q. But my question was in the sequence that you 24 described, you described starting around 9:00</p>	<p>1 MR. SACKS: Yes. 2 BY MR. SACKS: 3 Q. Have you seen this document before that we've 4 marked at Mahmood Number 10? 5 A. I think I might have seen it before earlier, 6 but I don't recall reading it. 7 Q. Okay. Well, let me ask you a couple of 8 specific things. And again, if at any point you want 9 to stop and read it more closely, just say so. 10 A. Okay. 11 Q. I will represent to you that this is a police 12 report from the Baltimore Police about the event that 13 we've been talking about, August 8, 2011 at the 14 Prometric center, a report of arson. Okay? 15 A. Okay. 16 Q. And the first thing I want to ask you is, do 17 you have any explanation for the fact that the police 18 report is marked August 8, 2011 at 9:09 a.m., that they 19 got a report by 9:09 a.m.? 20 A. Okay. 21 MR. REIL: I'm going to object here to 22 characterization of the report. I think it speaks for 23 itself. 24 MR. SACKS: Yes. I'm not trying to get</p>
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<p>1 and finishing the tutorial and then having to wait in 2 the waiting area and then trying to use the -- you 3 described waiting in the waiting area, taking a walk 4 around, looking for the bathroom, coming back, going 5 into the main testing area where you found the monitor 6 to be broken, then you waited for quite a long time. 7 You said it felt like an hour. 8 A. Mm-hmm. 9 Q. And here in the description from the Prometric 10 employees, they're talking about in the 9:00 to 9:15 11 range, this happening in the bathroom. Is that 12 consistent or do you disagree with that time frame? 13 A. I disagree with that time frame. 14 Q. Okay. 15 A. Because I don't remember events transpiring in 16 that order. 17 Q. All right. Let me ask you a different 18 question. 19 MR. SACKS: Can you mark that, please. 20 --- 21 (Exhibit Mahmood 10, Police Report, 3 22 pages, was marked for identification.) 23 --- 24 MR. REIL: Is this 10?</p>	<p>1 Miss Mahmood to validate the report in any way. I'm 2 simply asking whether she has an explanation for the 3 discrepancy between her time sequence and the time 4 that is indicated on the report, which -- where on the 5 third line in the upper right, it says date and time 6 occurred, and it says, "8 August, 11 0909", which I 7 think we can agree means 9:09 in the morning. 8 THE WITNESS: Okay. 9 BY MR. SACKS: 10 Q. So my question to you, Ms. Mahmood, is, do you 11 have an explanation of how the police could have had a 12 report of arson at this address at 9:09 a.m. given the 13 way you've described the sequence of events? 14 A. No, I do not. I mean, I'm describing the 15 sequence of events to the best of my ability according 16 to how I remember them. 17 Q. Okay. On the second page of the police report, 18 on the second paragraph of the text on the third line, 19 I'll read it. It says, "Captain Shiloh determined 20 that the fire" -- do you see where I am? 21 A. (No response.) 22 Q. On the third line of the second paragraph. 23 A. Okay. 24 Q. "Captain Shiloh determined that the fire</p>

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<p>1 originated against the west wall of the women's 2 bathroom on the 13th floor where toilet tissue and a 3 piece of twine were stuck to the underside of a sink 4 against the wall. An open flame ignited the paper 5 with the resulting fire consuming part of the toilet 6 paper and twine with extension of fire to the lower 7 portion of the west wall. The wall surface was fully 8 burned and scorched in an area measuring 10 X 18 9 inches." 10 A. Okay. 11 Q. Okay. So do you have an explanation for the 12 discrepancy between what the police found and what you 13 described in terms of holding a paper towel in your 14 hand and lighting it and dropping it to the floor? 15 MR. REIL: I'm going to object here, 16 characterization as a discrepancy. I think the report 17 speaks for itself, but she can answer. 18 MR. SACKS: Okay. I'll withdraw the 19 word "discrepancy." 20 BY MR. SACKS: 21 Q. Do you have an explanation for why the police 22 have described it this way given how you've described 23 it? 24 A. Well, as I said before, I'm giving you an</p>	<p>1 A. Well -- 2 MR. REIL: Her answer was, no. 3 MR. SACKS: Her answer was, not 4 significantly. 5 MR. REIL: Okay. 6 BY MR. SACKS: 7 Q. So to the extent that it did refresh your 8 recollection, how did it refresh your recollection? 9 A. Well, the only thing that I can specifically 10 say is that -- let me be more specific. I don't -- it 11 doesn't change the events that I remember. It doesn't 12 change how they transpired. It doesn't change the 13 time frame that I'm talking about. It just opened my 14 eyes to the -- you know, the perspective from other 15 people's views that were around me that I happened to 16 missed -- that I happened to have missed. 17 Q. Does it refresh your recollection in terms of 18 using twine and tissue plastered against the wall -- 19 stuck against the wall? 20 A. No. 21 Q. You deny that? 22 A. Yes. 23 Q. Now, at any point -- well, let me ask you. 24 What did you do after you lit the tissue paper on</p>
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<p>1 accurate -- to the best of my ability, I'm giving you 2 an accurate description of how I remember the events. 3 And as far as I can tell, just from reading this 4 report, you know, the gist that I'm getting from it is 5 that the police report is based on the testimony of, 6 like, Prometric employees. So I mean, beyond that, 7 don't have much of an explanation. 8 Q. So if you're incorrect on that, and if the 9 police arson investigators went into the bathroom and 10 looked at it and found what I've just read to you -- 11 A. Mm-hmm. 12 Q. -- do you have an explanation for that? 13 A. No, I do not. 14 Q. Do you want to change any of your testimony? 15 MR. REIL: Objection. 16 BY MR. SACKS: 17 Q. Let me ask you this way. Did what I read to 18 you from the police report or the Prometric report 19 refresh your recollection about what happened in the 20 bathroom that day? 21 MR. REIL: Objection. You can answer. 22 THE WITNESS: Not significantly. 23 BY MR. SACKS: 24 Q. Well, how did it?</p>	<p>1 fire? 2 A. Well, I believe we went over this. I let it go 3 on the floor, and I put my things back in my purse and 4 I walked out. 5 Q. Okay. Where did you go? 6 A. Back to the testing area -- or the general 7 waiting area. 8 Q. Okay. Back to the waiting area. Did you ever 9 sit down again in the general testing room where other 10 examinees were? 11 A. You mean where they were taking the exams? 12 Q. Yes. Did you ever go back to the testing seat 13 where the broken monitor had been? 14 A. Not that I recall. 15 Q. Okay. Did you ever go back to the special 16 accommodations room? 17 A. Not that I recall. The closest that I came was 18 in the area where -- in the area that connects those 19 two rooms. 20 Q. You mean, where the proctor's desk is and that 21 you go through security? 22 A. Yes. 23 Q. So you went back into that room? 24 A. I believe so, yeah.</p>

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<p>1 Q. But you didn't go back to any -- either the</p> <p>2 first seat that you had or the second seat that you</p> <p>3 had?</p> <p>4 A. No, I did not.</p> <p>5 Q. And when you went back from the bathroom, did</p> <p>6 you stop in the waiting area and sit down?</p> <p>7 A. When I went back -- from when I came back from</p> <p>8 the bathroom?</p> <p>9 Q. Yes. After you lit something on fire in the</p> <p>10 bathroom and you left the bathroom, you said you went</p> <p>11 back to the waiting area.</p> <p>12 A. Yes.</p> <p>13 Q. Did you stay in the waiting area for some</p> <p>14 period of time?</p> <p>15 A. Yes.</p> <p>16 Q. And who else was in the waiting area at that</p> <p>17 time?</p> <p>18 A. I don't remember exactly. I mean, like I said,</p> <p>19 I didn't exactly -- you know, I wasn't looking around,</p> <p>20 you know, to notice other people.</p> <p>21 Q. Okay. How long did you stay in the waiting</p> <p>22 area at that time?</p> <p>23 A. For a while longer and then, you know, other</p> <p>24 Prometric staff came and asked me to sit in an</p>	<p>1 A. Came back from the bathroom. I waited for --</p> <p>2 you know, for them to tell me about if any progress</p> <p>3 had been done with the monitor.</p> <p>4 Q. Okay.</p> <p>5 A. And then I peeked into the room to ask them if</p> <p>6 any progress had been done, and I was told they were</p> <p>7 still working on it.</p> <p>8 Q. So you didn't go and have an extended stay in</p> <p>9 that room where the security is?</p> <p>10 A. No.</p> <p>11 Q. Okay. You peeked in. You had a quick -- you</p> <p>12 asked them what's the status. They told you they're</p> <p>13 still working on it. And then you went back into the</p> <p>14 waiting area?</p> <p>15 A. Yes.</p> <p>16 Q. And in the waiting area, is where you had the</p> <p>17 conversation with the two other Prometric employees</p> <p>18 where they asked you to go to a different room?</p> <p>19 A. Yes.</p> <p>20 Q. So I asked you a little while ago, what was</p> <p>21 going through your mind, remember?</p> <p>22 A. Mm-hmm.</p> <p>23 Q. About starting the fire.</p> <p>24 A. Hmm.</p>
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<p>1 adjacent -- like a smaller room.</p> <p>2 Q. Another room that you haven't described yet</p> <p>3 today?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay. And which person of the Prometric staff</p> <p>6 asked you to do that?</p> <p>7 A. Not the two proctors that I had contact with</p> <p>8 before.</p> <p>9 Q. Somebody else?</p> <p>10 A. Yeah.</p> <p>11 Q. Can you describe -- male or female, young, old?</p> <p>12 A. I think -- I mean, once I came back from the</p> <p>13 bathroom, there were two new people that I remember</p> <p>14 either directly or indirectly interacting with, but I</p> <p>15 don't remember which of them asked me to wait in the</p> <p>16 separate conference room.</p> <p>17 Q. Did that conversation with them take place in</p> <p>18 the waiting area?</p> <p>19 A. I think so. I'm not entirely certain.</p> <p>20 Q. Now, a moment ago you said at some point you</p> <p>21 went back into the area where the proctor's desk is,</p> <p>22 where the security is done.</p> <p>23 A. Yeah.</p> <p>24 Q. When did that happen?</p>	<p>1 Q. And you said something to the effect -- and I</p> <p>2 don't want to mischaracterize you, so please correct</p> <p>3 me if I get this wrong. You said something to the</p> <p>4 effect that you were upset or frustrated that the</p> <p>5 accommodations weren't as they should have been.</p> <p>6 A. Yes.</p> <p>7 Q. And that's why -- out of upset or something</p> <p>8 that you lit the thing on fire?</p> <p>9 A. Partly. It was -- I mean, for the most part.</p> <p>10 I can't -- I couldn't say that I can, you know,</p> <p>11 characterize exactly what was going through my mind or</p> <p>12 exactly the reason that I lit the tissue paper on</p> <p>13 fire, but I'd say that's a fairly close approximation.</p> <p>14 Q. Okay. Was it a spontaneous event?</p> <p>15 A. Yeah.</p> <p>16 Q. Okay. Let me show you this.</p> <p>17 ---</p> <p>18 (Exhibit Mahmood 11, letter dated</p> <p>19 January 22, 2012, 2 pages, was marked for</p> <p>20 identification.)</p> <p>21 ---</p> <p>22 MR. REIL: Is this 11?</p> <p>23 MR. SACKS: Yes.</p> <p>24 THE WITNESS: (Reviewing document.)</p>

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<p>1 BY MR. SACKS: 2 Q. Finished? 3 A. Yes. 4 Q. You recognize that letter, don't you? 5 A. Yes. 6 Q. And you wrote it, correct? 7 A. I did. 8 Q. It's dated January 22, 2012. It's directed to 9 Amy Buono, the Office of the USMLE Secretariat. Is it 10 fair to say that is a letter of explanation that you 11 sent to the USMLE when they were investigating the 12 question of whether you had engaged in irregular 13 behavior? 14 A. Yes. This was the best explanation I could 15 come up with at that time. 16 Q. Okay. Now, if you look at the second page of 17 this letter -- 18 A. Mm-hmm. 19 Q. -- you say -- and I'm going to read the 20 paragraph, the first full paragraph on the second 21 page. Okay? 22 A. Okay. 23 Q. It says, "I am very ashamed to write that all 24 these factors led to further deterioration of my</p>	<p>1 committee -- committee on irregular behavior. 2 Q. Well, is what you wrote in the letter to the 3 committee, was it true? 4 A. Well, for -- I always get test anxiety before 5 most exams. So to that respect, yeah, it was true. 6 But does that always translate further down when I get 7 to the center or later on? Not usually. 8 Q. Okay. My question is different from that. 9 A. Okay. 10 Q. In the letter, the way I interpret the letter, 11 you said you were so panicked the morning of the exam 12 that the only way that you felt that you could deal 13 with it was to create a diversion that would delay the 14 exam. 15 A. Mm-hmm. 16 Q. And therefore, that you started the fire to 17 delay the exam, that it would cause a delay of the 18 exam. 19 A. Well -- 20 Q. Isn't that what you meant in this letter? 21 MR. REIL: Objection to the form of the 22 question. I think the form of the question, the 23 question contained the way I interpret it, the letter. 24 And I object to that.</p>
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<p>1 mental state to the point where I came to conclusions 2 that were normally abhorrent to me. Every time I 3 thought about the idea of sitting for the exam, 4 feelings of anxiety about a possible failure and what 5 that would lead to, left me paralyzed with fear. On 6 the morning of the exam I awoke in a state of extreme 7 panic. I felt I needed a respite from all of this and 8 the only way I could fathom was to create a diversion 9 that would delay my exam for a time. I regret that I 10 was not in adequate enough possession of my mental 11 faculties to consider the consequences of my actions 12 on the other students who were sitting for their 13 various tests at the same center, and on my family for 14 the emotional and financial burden I placed on them." 15 A. Mm-hmm. 16 Q. So my question is, didn't you explain to the 17 USMLE committee that you started the fire because you 18 needed to -- you felt like you needed to delay the 19 exam? 20 A. Well, that was the only explanation I could 21 think of at the time. 22 Q. At the time of what? 23 A. When I was trying to deal with the -- you know, 24 when I was trying to deal with the irregular behavior</p>	<p>1 MR. SACKS: I'm trying to get at what a 2 correct interpretation of this letter is. 3 MR. REIL: Okay. 4 BY MR. SACKS: 5 Q. What did you mean that you wanted to create a 6 diversion? 7 A. Well, the difference between wanting to create 8 a diversion at a specific time and actually creating 9 one, are two different things. So for -- 10 Q. So -- go ahead. 11 A. So for instance, I don't particularly enjoy 12 taking exams, and I'd rather that they did not exist. 13 But that does not mean that I won't take them because 14 they are a requirement. 15 Q. Ms. Mahmood, let me try this again. In your 16 letter, you wrote that on the morning of the exam you 17 woke up in a state of extreme panic and that you felt 18 that you needed a respite from all this and that the 19 only way you could fathom that was to create a 20 diversion that would delay the exam for a time. And 21 then you said, "I regret I was not in adequate enough 22 possession of my mental faculties to consider the 23 consequences of my actions on the other students who 24 were sitting for their various tests at the center."</p>

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<p>1 What does this mean if not that you</p> <p>2 regret starting the fire or you regret planning to</p> <p>3 start the fire to create a diversion?</p> <p>4 MR. REIL: Objection asked and</p> <p>5 answered, argumentative.</p> <p>6 You can answer.</p> <p>7 BY MR. SACKS:</p> <p>8 Q. What does it mean if not that?</p> <p>9 A. It means that I regret that -- the consequences</p> <p>10 of what happened, but it does not at all mean that I</p> <p>11 actually -- you know, that I planned anything in</p> <p>12 advance or that my anxiety specifically in the</p> <p>13 morning, you know, contributed to the event when I lit</p> <p>14 the tissue paper on fire.</p> <p>15 Q. Okay. So even though you wrote this letter,</p> <p>16 your testimony is that your extreme anxiety and panic</p> <p>17 that morning did not contribute to your lighting the</p> <p>18 fire in the bathroom. Is that what you just said?</p> <p>19 MR. REIL: Same objection.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: It's so -- whatever I'm</p> <p>22 feeling at any specific moment does not necessarily</p> <p>23 mean that I'm going to follow through on it. So</p> <p>24 that's my explanation. That's the best that I can do.</p>	<p>1 compound and in the nature of a narrative. She can</p> <p>2 answer if she can.</p> <p>3 MR. SACKS: Do you need to hear the</p> <p>4 question?</p> <p>5 THE WITNESS: Sure.</p> <p>6 MR. SACKS: Could you read the question</p> <p>7 back, please.</p> <p>8 (Court reporter read the record as</p> <p>9 requested.)</p> <p>10 MR. REIL: I renew my objection.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: Well, as I've said</p> <p>13 before. I was also considering the fact that I was</p> <p>14 coming up against a seven-year deadline. So that</p> <p>15 compounded with my frustration about Prometric not</p> <p>16 providing me with reasonable accommodations was the</p> <p>17 reason for setting the small piece of tissue paper on</p> <p>18 fire.</p> <p>19 BY MR. SACKS:</p> <p>20 Q. This letter that you wrote to the USMLE</p> <p>21 committee --</p> <p>22 A. Mm-hmm.</p> <p>23 Q. -- is it true today? What you said in here, is</p> <p>24 it true and correct?</p>
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<p>1 BY MR. SACKS:</p> <p>2 Q. Were you speaking truthfully to the committee</p> <p>3 in your letter?</p> <p>4 A. I was speaking to the best of my ability at</p> <p>5 that point I think so. And I was also under</p> <p>6 psychiatric care at that point.</p> <p>7 Q. So the Prometric report has employee witnesses</p> <p>8 who say that they saw you with twine and tissue, put</p> <p>9 it against the wall and light it on fire. The police</p> <p>10 report says that they determined that the cause of the</p> <p>11 fire was tissue soaked in something flammable and</p> <p>12 twine and started on fire against the wall.</p> <p>13 A. Mm-hmm.</p> <p>14 Q. In your letter you said that you were so</p> <p>15 panicked that morning that the only thing you could</p> <p>16 think to do was to get a respite from this by creating</p> <p>17 a diversion that would delay the exam. And your</p> <p>18 testimony today is, you were just so frustrated that</p> <p>19 you spontaneously went in and lit a little piece of</p> <p>20 something on fire and dropped it on the floor.</p> <p>21 MR. REIL: Objection. Question is --</p> <p>22 are you finished, I'm sorry.</p> <p>23 MR. SACKS: I'm finished.</p> <p>24 MR. REIL: Objection. Question is</p>	<p>1 A. I believe that a lot of it is true, and I</p> <p>2 believe that I was also trying to theorize on why I</p> <p>3 did what I did in the testing center. And so that's</p> <p>4 the explanation that I came up with at that time.</p> <p>5 Q. And I'm asking you, is that true?</p> <p>6 MR. REIL: Objection, asked and</p> <p>7 answered.</p> <p>8 BY MR. SACKS:</p> <p>9 Q. Is the explanation that you gave correct?</p> <p>10 A. I'm not sure.</p> <p>11 Q. You're not sure?</p> <p>12 A. I'm not sure.</p> <p>13 Q. Okay. In describing what happened that day, we</p> <p>14 got to the point where two employees of Prometric</p> <p>15 asked you to go to a separate room.</p> <p>16 A. Mm-hmm.</p> <p>17 Q. Not the special accommodations room, not the</p> <p>18 main testing area, not the waiting area, but another</p> <p>19 room, correct?</p> <p>20 A. Yes. Yes.</p> <p>21 Q. Okay. And what happened then? Did you go to</p> <p>22 that room?</p> <p>23 A. Yes.</p> <p>24 Q. Did they escort you to that room?</p>

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<p>1 A. Yes.</p> <p>2 Q. Did they stay with you in that room?</p> <p>3 A. No.</p> <p>4 Q. Did anybody come into that room right away?</p> <p>5 A. No.</p> <p>6 Q. So you were by yourself in that room?</p> <p>7 A. Yes.</p> <p>8 Q. For how long were you by yourself?</p> <p>9 A. It was a really long time. I would say</p> <p>10 definitely more than ten minutes, but that's the best</p> <p>11 I can do.</p> <p>12 Q. Did they give you any explanation for why they</p> <p>13 asked you to go into that room?</p> <p>14 A. Not really. They also didn't give me any</p> <p>15 explanation as to why they took my belongings from me</p> <p>16 including my monocular and my phone.</p> <p>17 Q. Who did?</p> <p>18 A. The Prometric testing administrators -- staff.</p> <p>19 Q. You mean the same two people --</p> <p>20 A. Yes.</p> <p>21 Q. -- who asked you to go to that room, took your</p> <p>22 belongings away?</p> <p>23 A. Yes.</p> <p>24 Q. Did they say they would return them or what did</p>	<p>1 like a long time, at least ten minutes?</p> <p>2 A. Mm-hmm.</p> <p>3 Q. And what happened next?</p> <p>4 A. At that point, I -- well, at some point, I</p> <p>5 stepped out to see what was going on and asked to, you</p> <p>6 know, why I wasn't provided with my belongings. And</p> <p>7 even though that they said that my exam was suspended,</p> <p>8 they still gave the explanation of something to the</p> <p>9 effect of because I was still going, you know, giving</p> <p>10 my exam, that I couldn't have my belongings with me.</p> <p>11 You know, I tried to -- I didn't quite understand why</p> <p>12 that was. You know, those were two conflicting -- two</p> <p>13 conflicting things that they were saying to me. So I</p> <p>14 went back in and waited some more. And at some point,</p> <p>15 the police arrived and they questioned me a little</p> <p>16 bit.</p> <p>17 Q. In that same room?</p> <p>18 A. At first, yeah.</p> <p>19 Q. Okay. And what do you recall about the police</p> <p>20 questioning, the first part of that, what do you</p> <p>21 remember?</p> <p>22 A. Not a lot. I don't remember anything specific</p> <p>23 about -- about the questions they asked.</p> <p>24 Q. How many police were there when they first came</p>
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<p>1 they say about that?</p> <p>2 A. They just said that we need to take your</p> <p>3 belongings, that you can't take them in the room with</p> <p>4 you. I remember asking something to the effect of,</p> <p>5 you know, why the reason for this. And I wasn't</p> <p>6 really given a reason. I was looking at my phone at</p> <p>7 that time trying the -- trying to check the time. But</p> <p>8 one of them, I don't remember which one, reached in</p> <p>9 and took my phone from my hand and asked me to wait in</p> <p>10 the waiting area repeatedly.</p> <p>11 Q. Okay. Throughout this sequence that we've been</p> <p>12 discussing so far, where was your father?</p> <p>13 A. I don't remember.</p> <p>14 Q. We haven't heard anything since your father</p> <p>15 drove you. Did you see your father from the time you</p> <p>16 first went to the waiting area until the point we just</p> <p>17 got to in the story? Did you see your father at any</p> <p>18 time during that?</p> <p>19 A. I think so. I think I saw him once, but I</p> <p>20 don't remember exactly when.</p> <p>21 Q. Any conversation that you recall?</p> <p>22 A. No, not really. We didn't really converse</p> <p>23 anything specifically.</p> <p>24 Q. So you're in this separate room for what seemed</p>	<p>1 to talk to you?</p> <p>2 A. Definitely more than two.</p> <p>3 Q. More than two in the room with you?</p> <p>4 A. Yes.</p> <p>5 Q. Did they say anything about a fire in the</p> <p>6 bathroom?</p> <p>7 A. No.</p> <p>8 Q. Did they say why they wanted to talk to you?</p> <p>9 A. They -- no, I don't remember that.</p> <p>10 Q. Did you have a hunch that it might be about the</p> <p>11 fire in the bathroom?</p> <p>12 MR. REIL: Objection to the word</p> <p>13 "hunch."</p> <p>14 THE WITNESS: I don't remember.</p> <p>15 BY MR. SACKS:</p> <p>16 Q. Did you surmise?</p> <p>17 A. I don't remember. I remember noticing there</p> <p>18 was definitely a commotion going around, but I don't</p> <p>19 remember exactly what it was about.</p> <p>20 Q. And what was your response to them? What did</p> <p>21 you say?</p> <p>22 A. Well, I don't remember them asking me any</p> <p>23 specific questions other than what's your name and,</p> <p>24 you know, just generic questions. And I answered them</p>

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<p>1 so....</p> <p>2 Q. Did they advise you of your rights?</p> <p>3 A. After -- that was later in the -- later that</p> <p>4 afternoon.</p> <p>5 Q. Okay. You said that they came into the room</p> <p>6 where the Prometric people had placed you. Did they</p> <p>7 take you to a different room?</p> <p>8 A. Yes.</p> <p>9 Q. And was all of this on the 13th floor?</p> <p>10 A. I believe so. I don't remember climbing any</p> <p>11 stairs or going down any stairs.</p> <p>12 Q. Okay. At any point, did you ask to speak with</p> <p>13 your father?</p> <p>14 A. I did.</p> <p>15 Q. And what did they say? Did you ask the police</p> <p>16 or the Prometric folks?</p> <p>17 A. I don't remember. I think I asked the police.</p> <p>18 Q. And what was the response?</p> <p>19 A. That he was -- they would see where he was.</p> <p>20 Q. Okay. At any point in the questioning by the</p> <p>21 police, did they ask you if you started a fire in the</p> <p>22 bathroom?</p> <p>23 A. While I was at the center, no.</p> <p>24 Q. Did the subject of a fire or lighting something</p>	<p>1 criminal definition?</p> <p>2 MR. SACKS: No. I'm not asking about a</p> <p>3 criminal definition.</p> <p>4 BY MR. SACKS:</p> <p>5 Q. Did you understand that arson is associated</p> <p>6 with fire?</p> <p>7 A. I remember asking so, no. It's not a term that</p> <p>8 I came across.</p> <p>9 Q. Right. That's why I was asking you.</p> <p>10 A. Yeah.</p> <p>11 Q. So did you understand at the point that they</p> <p>12 were arresting you, that it had something to do with</p> <p>13 fire?</p> <p>14 A. After they explained it to me, yeah.</p> <p>15 Q. Okay. And that was still at the Prometric</p> <p>16 center?</p> <p>17 A. Yes. It was in the elevator while I was going</p> <p>18 down after being handcuffed.</p> <p>19 Q. Did anyone from Prometric go to the police</p> <p>20 station?</p> <p>21 A. I don't remember.</p> <p>22 Q. Who did you go to the police station with?</p> <p>23 A. Police officers.</p> <p>24 Q. Two officers?</p>
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<p>1 on fire in the bathroom ever come up while you were</p> <p>2 still at the Prometric center?</p> <p>3 A. No.</p> <p>4 Q. How long were you questioned by the police</p> <p>5 before they took you somewhere else?</p> <p>6 A. I wasn't really questioned by the police, you</p> <p>7 know, other than, like I said before, asking my name</p> <p>8 and, you know, generic questions of that nature. They</p> <p>9 didn't ask me anything specific other than that.</p> <p>10 Q. Okay. And at some point, did they arrest you</p> <p>11 at the center?</p> <p>12 A. Yes.</p> <p>13 Q. Did they put you in handcuffs?</p> <p>14 A. Yes.</p> <p>15 Q. Were you allowed to see your father at that</p> <p>16 point?</p> <p>17 A. No. I didn't see my father.</p> <p>18 Q. Did they take you in a police car?</p> <p>19 A. Yes.</p> <p>20 Q. Did they tell you why they were arresting you?</p> <p>21 A. They said that I was under arrest for arson.</p> <p>22 Q. And did you know the definition of arson? Did</p> <p>23 you know that arson means fire?</p> <p>24 MR. REIL: Objection. You mean the</p>	<p>1 A. I -- maybe, there was definitely at least one</p> <p>2 officer.</p> <p>3 Q. Okay. Had you ever in your entire life been</p> <p>4 arrested before that day?</p> <p>5 A. No.</p> <p>6 Q. Had you ever been charged with any crime at all</p> <p>7 before that day?</p> <p>8 A. No.</p> <p>9 Q. So when you got to the police station, what</p> <p>10 happened?</p> <p>11 A. I was put in a cell, and I waited there for</p> <p>12 quite a while. And then I was transported somewhere</p> <p>13 else. I spent the majority of that day in a van.</p> <p>14 Q. Sitting in a van?</p> <p>15 A. Yeah.</p> <p>16 Q. The van not moving?</p> <p>17 A. Moving for the most part, being transported</p> <p>18 from place to place.</p> <p>19 Q. Okay. Was there more than two trips? I mean,</p> <p>20 one from Prometric to a police station and one from a</p> <p>21 police station somewhere else?</p> <p>22 A. There were -- I think there were about three</p> <p>23 trips.</p> <p>24 Q. Before you were transported, were you</p>

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<p>1 questioned at the police station?</p> <p>2 A. No.</p> <p>3 Q. When were you questioned by the police?</p> <p>4 A. It was by a detective. I'm not sure exactly</p> <p>5 where I was. I lost track of where I was. There were</p> <p>6 a lot of trips, and that wasn't really the top thing</p> <p>7 on my mind about where I was going. It was that I was</p> <p>8 arrested.</p> <p>9 Q. Had you had a chance at that point to speak</p> <p>10 with your parents?</p> <p>11 A. No.</p> <p>12 Q. So how many hours would you say -- how long</p> <p>13 after you were handcuffed and taken from the Prometec</p> <p>14 center until you were questioned by the police about</p> <p>15 what happened?</p> <p>16 A. I have no idea. I don't -- I couldn't</p> <p>17 approximate. It felt like a very, very long time.</p> <p>18 I'd say hours at least, multiple hours.</p> <p>19 Q. Were you questioned on more than one occasion?</p> <p>20 MR. REIL: Objection, relevance.</p> <p>21 You can answer.</p> <p>22 THE WITNESS: Not that I recall.</p> <p>23 BY MR. SACKS:</p> <p>24 Q. Okay. In questioning that you recall, did the</p>	<p>1 A. Yes.</p> <p>2 Q. And during that time, you got a lawyer?</p> <p>3 A. Yes.</p> <p>4 Q. And you were arraigned? Do you know what that</p> <p>5 means?</p> <p>6 A. No.</p> <p>7 Q. Arraigned means you were brought before a</p> <p>8 judge, and the judge told you what you were charged</p> <p>9 with.</p> <p>10 A. Yes.</p> <p>11 Q. And did you plead not guilty originally?</p> <p>12 A. Yes.</p> <p>13 Q. And eventually did you plead guilty to certain</p> <p>14 charges and others were dismissed?</p> <p>15 A. Yes.</p> <p>16 Q. So in that setting where you pled guilty to</p> <p>17 certain charges and others were dismissed, did the</p> <p>18 judge ask you what happened? Did the judge ask you to</p> <p>19 describe what had happened?</p> <p>20 A. Not that I recall.</p> <p>21 Q. Did you admit, in the course of that</p> <p>22 proceeding, that you had started a fire?</p> <p>23 A. No. I'd have to go back and look at my</p> <p>24 records.</p>
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<p>1 police ask you about starting a fire?</p> <p>2 A. Yes.</p> <p>3 Q. And did you admit starting a fire?</p> <p>4 A. No.</p> <p>5 Q. Did you deny starting a fire?</p> <p>6 A. Yes.</p> <p>7 Q. At any point, did you admit starting a fire?</p> <p>8 A. During the questioning with the police, no, I</p> <p>9 did not.</p> <p>10 Q. So what was the gist of your position about</p> <p>11 what happened with the police? And did you just deny</p> <p>12 that you had done that and that was the end of it, I</p> <p>13 don't know what you're talking about?</p> <p>14 A. Yeah.</p> <p>15 Q. So essentially you denied knowing what they</p> <p>16 were talking about?</p> <p>17 A. Yeah.</p> <p>18 Q. And how long did you maintain that position?</p> <p>19 A. I don't remember exactly.</p> <p>20 Q. Okay. How long were you in jail before you</p> <p>21 were released?</p> <p>22 A. I think it was two weeks, a little more than</p> <p>23 two weeks, approximately.</p> <p>24 Q. And were you held in Baltimore County?</p>	<p>1 Q. Okay. Are the criminal proceedings entirely</p> <p>2 concluded?</p> <p>3 A. I believe that they are.</p> <p>4 Q. And the charges to which you pled guilty, have</p> <p>5 they been expunged from your record?</p> <p>6 A. Yes.</p> <p>7 Q. Is that your understanding?</p> <p>8 A. Yes.</p> <p>9 Q. That that has been completed?</p> <p>10 A. Yes.</p> <p>11 Q. Did you have to perform community service?</p> <p>12 A. I did.</p> <p>13 Q. And did you have to get counseling type</p> <p>14 treatment as a condition?</p> <p>15 A. I don't recall it being a specific condition,</p> <p>16 but I did get counseling.</p> <p>17 Q. And did you tell the University of Illinois in</p> <p>18 Chicago that you had been arrested for setting a fire</p> <p>19 at the testing center?</p> <p>20 A. At first, no, I did not.</p> <p>21 Q. When did you or in what circumstances? In what</p> <p>22 context did you?</p> <p>23 A. Well, I didn't. I don't remember exactly, but</p> <p>24 they came to -- they were made aware of the</p>

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<p>1 information.</p> <p>2 Q. So they became aware of the information not</p> <p>3 through you?</p> <p>4 A. I'm not sure if I specifically told them or if</p> <p>5 they had gotten the information from somewhere else.</p> <p>6 Q. Do you agree that doctors frequently have to</p> <p>7 make decisions under pressure?</p> <p>8 A. Yes.</p> <p>9 Q. Do you agree that the ability to maintain</p> <p>10 composure under pressure is a necessary attribute for</p> <p>11 a physician?</p> <p>12 A. For some physicians, yes.</p> <p>13 Q. Do you agree that a doctor who can't function</p> <p>14 effectively in a stressful situation may negatively</p> <p>15 impact patient care?</p> <p>16 A. That is something that happens frequently.</p> <p>17 And, yes, I do.</p> <p>18 Q. The complaint that you have pending or the</p> <p>19 grievance that you have pending at the university, if</p> <p>20 you prevailed on that, would that get you reinstated</p> <p>21 to the university so that you could test and complete</p> <p>22 your education? Is that the purpose?</p> <p>23 A. Yes.</p> <p>24 Q. And that's pending, correct?</p>	<p>1 MR. SACKS: Object to the form of the</p> <p>2 question.</p> <p>3 BY MR. REIL:</p> <p>4 Q. And when you wrote to the USMLE, were you under</p> <p>5 psychiatric care at that time?</p> <p>6 A. Yes.</p> <p>7 Q. I want to take a look at Mahmood 9, if I can.</p> <p>8 A. This one?</p> <p>9 Q. Yes. Mahmood 9. Let me put that over there</p> <p>10 lest I knock it over.</p> <p>11 Mahmood 9 is a memorandum from</p> <p>12 Prometric dated August 16, 2011. Okay? Going down a</p> <p>13 couple paragraphs on the first page, I want to read a</p> <p>14 sentence under conclusion like the third sentence. It</p> <p>15 says, "All other candidates continued to test</p> <p>16 normally. No other candidates' exams were affected by</p> <p>17 the incident." Did I read that correctly?</p> <p>18 A. Yes, I believe so.</p> <p>19 Q. On Page 2 of that report, down at the last</p> <p>20 paragraph the last bullet. Okay? The Prometric</p> <p>21 report says -- I'll read the sentence here: "In the</p> <p>22 test center Ms. Mahmood was experiencing technical</p> <p>23 problems with her Special Accommodation Monitor, so</p> <p>24 she had" executed "the S --</p>
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<p>1 A. Yes.</p> <p>2 MR. SACKS: Let's just take a three</p> <p>3 minute break. I may be done, but I just want to go to</p> <p>4 the bathroom and be right back and think about it for</p> <p>5 a second.</p> <p>6 MR. REIL: Yeah, I have to go too. I</p> <p>7 may have some brief followups.</p> <p>8 MR. SACKS: I assumed you wanted to</p> <p>9 question.</p> <p>10 (A short break was taken.)</p> <p>11 MR. SACKS: I don't have any more</p> <p>12 questions right now.</p> <p>13 MR. REIL: Okay. I have a few.</p> <p>14 - - -</p> <p>15 EXAMINATION</p> <p>16 - - -</p> <p>17 BY MR. REIL:</p> <p>18 Q. Ms. Mahmood, isn't it true that you weren't</p> <p>19 convicted of arson, but rather you pled to criminal</p> <p>20 mischief?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And your conviction for criminal</p> <p>23 mischief misdemeanor was expunged, correct?</p> <p>24 A. Yes.</p>	<p>1 MR. SACKS: Exited.</p> <p>2 MR. REIL: So she had exited. Thank</p> <p>3 you, Counsel.</p> <p>4 BY MR. REIL:</p> <p>5 Q. -- the S/A room." Do you see where it says</p> <p>6 that?</p> <p>7 A. Yes.</p> <p>8 Q. And going over to Page 3 of the Prometric</p> <p>9 report, I want to direct your attention to where it</p> <p>10 says "Details on the Technical Issue" in bold. It</p> <p>11 states, "Ms. Mahmood had arranged for an extra large</p> <p>12 screen monitor and Zoom Text, but she was not actually</p> <p>13 scheduled to take the test in the S/A room. She was</p> <p>14 to use this equipment at a normal workstation.</p> <p>15 Another candidate had arrived who was scheduled for</p> <p>16 the S/A room. The TCAs were attempting to move</p> <p>17 Ms. Mahmood's monitor to the main testing area, when</p> <p>18 the monitor stand broke. They were able to place the</p> <p>19 monitor on the stand so that it was still viewable.</p> <p>20 However, Ms. Mahmood said she would be moving the</p> <p>21 monitor a lot and wanted a new monitor. The TCAs</p> <p>22 asked her to wait in the reception area while they</p> <p>23 tried to resolve the issue." Did I read that</p> <p>24 correctly?</p>

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<p>1 A. Yes.</p> <p>2 Q. Now, do you agree with the statement there that</p> <p>3 the monitor was able to be placed on a stand so it was</p> <p>4 still viewable for you?</p> <p>5 A. No.</p> <p>6 Q. Okay. Why not?</p> <p>7 A. Because, as I said, this is like the main --</p> <p>8 you know, the main thing why I couldn't continue the</p> <p>9 exam. The LCD screen was separate from the stand. I</p> <p>10 mean, there were wires and the guy -- the proctor --</p> <p>11 the proctor did mention this specifically to not touch</p> <p>12 the thing because it would fall over. And, you know,</p> <p>13 it was also next to a window that's -- you know, I</p> <p>14 don't -- wouldn't expect them to know anything about,</p> <p>15 you know, albinos, or the associated photophobia, but</p> <p>16 my main contention was that the monitor was definitely</p> <p>17 broken and I couldn't work it.</p> <p>18 Q. Can you summarize for the record why you</p> <p>19 believe you were not reasonably accommodated by the</p> <p>20 NBME on the day in question?</p> <p>21 A. Well, considering that, you know, they do keep</p> <p>22 records of who's testing at what center, at least four</p> <p>23 weeks in advance from my recollection of having to</p> <p>24 register a month in advance for any exam, you know, to</p>	<p>1 - - -</p> <p>2 BY MR. SACKS:</p> <p>3 Q. Ms. Mahmood, you don't know the nature of the</p> <p>4 disability or the accommodations -- strike that.</p> <p>5 You don't know the nature of the</p> <p>6 disability of the other examinee who came in and was</p> <p>7 ultimately given the S/A room, do you?</p> <p>8 A. The most that I recall about the individual was</p> <p>9 that she did not require a wheelchair or any medical</p> <p>10 equipment. That is the best that I can do.</p> <p>11 Q. But you don't know the nature of her</p> <p>12 disability, do you?</p> <p>13 A. No, I do not.</p> <p>14 Q. And you don't know what accommodations she had</p> <p>15 requested or what accommodations the NBME had granted</p> <p>16 to her, correct?</p> <p>17 A. Correct. The only inkling that I have is in</p> <p>18 this -- in the statement that she was -- she had</p> <p>19 accommodations for an S/A room so....</p> <p>20 Q. Okay. So if her accommodations included having</p> <p>21 a private room and yours did not, then you really</p> <p>22 don't whether that's true or not; is that correct?</p> <p>23 A. I'm sorry.</p> <p>24 Q. Try that again. You don't know whether her</p>
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<p>1 reschedule it anywhere else from one testing center to</p> <p>2 another, that means that they had a month to prepare</p> <p>3 and to have a back-up plan in case two students with</p> <p>4 testing accommodations happen to be accommodated --</p> <p>5 happen to be testing at the same center.</p> <p>6 And so they should have had, you know,</p> <p>7 at least, you know, a back-up plan for that</p> <p>8 eventuality. That they should be able to accommodate</p> <p>9 more than one student at a center. And, you know,</p> <p>10 they were not able to do that. They had prior -- they</p> <p>11 had the schedule. They had -- you know, they were</p> <p>12 aware of the situation, but they failed to actually</p> <p>13 adequately provide reasonable accommodations to both</p> <p>14 students.</p> <p>15 Q. Was the failure to reasonably accommodate you</p> <p>16 on the day in question, did that occur before the</p> <p>17 tissue was lit in the bathroom?</p> <p>18 MR. SACKS: Object to the form.</p> <p>19 BY MR. REIL:</p> <p>20 Q. You can answer.</p> <p>21 A. Yes, it was.</p> <p>22 MR. REIL: That's all I have.</p> <p>23 - - -</p> <p>24 EXAMINATION</p>	<p>1 accommodations included a private testing area, do</p> <p>2 you?</p> <p>3 A. No.</p> <p>4 Q. And we've already gone through the fact that</p> <p>5 you didn't request a private testing area, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if that person who came and was</p> <p>8 given the private room, the S/A room, was taking the</p> <p>9 USMLE or some other type of test? Do you know?</p> <p>10 A. I don't know.</p> <p>11 Q. Mr. Reil asked you about the guilty plea to</p> <p>12 criminal mischief. Am I correct that the guilty plea</p> <p>13 to criminal mischief was part of an arrangement in</p> <p>14 which you pled guilty and the prosecutor agreed to</p> <p>15 drop the arson charge?</p> <p>16 A. They -- I'm not sure as to the specifics of</p> <p>17 that criminal proceeding anymore. I mean, I trusted</p> <p>18 my lawyer, and I trusted him to carry out -- you know,</p> <p>19 to represent me the best that he could.</p> <p>20 Q. Okay. The criminal mischief that they were</p> <p>21 talking about was lighting a fire in the bathroom, was</p> <p>22 it not?</p> <p>23 A. I'm not sure. Would not lighting a fire be</p> <p>24 arson?</p>

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Maria Mahmood

<p style="text-align: right;">Page 134</p> <p>1 Q. I think it would.</p> <p>2 MR. REIL: Well, just answer the</p> <p>3 questions and don't ask it.</p> <p>4 THE WITNESS: Well --</p> <p>5 BY MR. SACKS:</p> <p>6 Q. Was there anything else that you did other than</p> <p>7 lighting a fire?</p> <p>8 A. No.</p> <p>9 MR. SACKS: I think we're done. Thank</p> <p>10 you.</p> <p>11 MR. REIL: I'm done also. Thank you.</p> <p>12 (Deposition concluded at 4:18 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	
<p style="text-align: right;">Page 135</p> <p>1 CERTIFICATION</p> <p>2</p> <p>3</p> <p>4 I, Lisa DePascale, Registered Reporter, certify</p> <p>5 that the foregoing is a true and accurate transcript of the</p> <p>6 foregoing deposition, that the witness was first sworn by me</p> <p>7 at the time, place and on the date herein before set forth.</p> <p>8 I further certify that I am neither attorney nor</p> <p>9 counsel for, not related to nor employed by any of the</p> <p>10 parties to the action in which this deposition was taken;</p> <p>11 further, that I am not a relative or employee of any</p> <p>12 attorney or counsel employed in this case, nor am I</p> <p>13 financially interested in this action.</p> <p>14</p> <p>15</p> <p>16</p> <p>17 _____</p> <p>18 Lisa DePascale</p> <p>19 Registered Reporter</p> <p>20 and Notary Public</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	

35 (Pages 134 to 135)